

TEXAS

Alfred J. Atkins, Eldorado.
 Mary P. Vernon, Hermleigh.
 William W. McChristian, Alba.
 John W. Fagg, Blue Ridge.
 Lawrence D. Karger, Cat Spring.
 John A. Noland, Crawford.
 Tenos W. Elkins, Freeport.
 Joseph R. Gilliland, Paradise.
 Fannie Fuqua, Shiro.
 Robert W. Scurlock, Tenaha.

UTAH

Horace E. Day, Fillmore.

VERMONT

Glenn E. Martin, South Shaftsbury.
 John Noble, Bethel.
 Dennis A. Brahana, Irasburg.
 Grace B. Adams, Wells River.

VIRGINIA

Joseph W. Harvey, Montross.

WASHINGTON

Herbert A. Miller, Stevenson.

WEST VIRGINIA

William O. Crawford, Cabin creek.
 Monroe Burns, Cairo.
 Etta Halstead, Dorothy.

WISCONSIN

Edward C. Schwartz, Blackwell.
 Thomas D. Smith, Fairchild.
 Samuel P. Van Dyke, Kilbourn.
 Robert W. Brown, Lakemills.
 Hugh S. Caldwell, Lodi.
 John J. Kocian, Milladore.
 Arthur E. Schmidt, Pittsville.
 Edward B. Shanks, Portage.
 Herbert Hopkins, Randolph.
 Arthur V. DeWitt, Sayner.
 Arthur Heins, Tigerton.
 Lorenzo F. Rosenthal, Beloit.
 Rufus A. Jones, Black River Falls.
 Edwin T. Mattison, Blair.
 Fred Hennig, Bowler.
 Albert L. Jochem, Cedarburg.
 Edward Porter, Cornell.
 William S. Cochrane, Delavan.
 J. Charles Pile, Dodgeville.
 Frank L. Rolson, Ellsworth.
 Vilas A. Kellman, Galesville.
 John I. Edwards, Hazel Green.
 Albert H. Fries, Lone Rock.
 Frances W. Kulwiec, Lublin.
 Ellsworth N. Harris, Mineral Point.
 John J. Burkhard, Monroe.
 Henry B. Goodwin, Osceola.
 Percy L. Miner, Pepin.
 Ralph H. Tolford, Thorp.
 Alfred Froseth, Washburn.
 August J. Christianson, Webster.
 George A. Murray, Wisconsin Veterans' Home.
 Arthur Miller, Withee.

HOUSE OF REPRESENTATIVES

THURSDAY, February 28, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O Lord God, that in Thee we have that wisdom and love in which we find our peace and opportunity. Cleanse us from all evil; bless our motives and make them chaste and pure. In diligence and devotion may we study the needs of our country, so that our public service shall flame with high quality. Bestow upon us the blessing of consecrated courage, and let our minds have the freedom of unfettered expression of the truth. Always and ever at the altar of the Republic may we offer the sacrament of allegiance, and may all its institutions serve man and glorify our Heavenly Father. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.; and

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 349. An act to supplement the naturalization laws, and for other purposes;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases; and

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 16878) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. STECK to be the conferees on the part of the Senate.

SENATE BILLS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 264. An act for the relief of Margaret I. Varnum; to the Committee on Military Affairs.

S. 2986. An act for the relief of Francis J. McDonald; to the Committee on War Claims.

S. 3623. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920; to the Committee on Interstate and Foreign Commerce.

S. 4274. An act for the relief of James Evans; to the Committee on Military Affairs.

S. 5030. An act for the relief of Eva Broderick; to the Committee on Claims.

S. 5091. An act for the relief of Edward C. Dunlap; to the Committee on Claims.

S. 5245. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes; to the Committee on Public Buildings and Grounds.

S. 5307. An act equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States; to the Committee on Agriculture.

S. 5346. An act to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes; to the Committee on Irrigation and Reclamation.

S. 5379. An act to authorize the disposition of certain public lands in the State of Nevada; to the Committee on the Public Lands.

S. 5503. An act to amend section 22 of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes," approved March 4, 1927, as amended; to the Committee on the Judiciary.

S. 5512. An act to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia; to the Committee on the District of Columbia.

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; to the Committee on the District of Columbia.

S. 5676. An act to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928; to the Committee on the District of Columbia.

S. 5717. An act for the relief of the State of Nevada; to the Committee on the Judiciary.

S. J. Res. 117. Joint resolution authorizing an investigation and survey for a Nicaraguan canal; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 202. Joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist which is not covered by regulatory action of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

RETIREMENT FUND—PERSONAL EXPLANATION

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, on Tuesday, when we were considering the Government employees' retirement fund bill, I made certain statements relative to the amount that the Federal Government is appropriating toward that fund at the present time. I received a letter from a resident of the District this morning challenging that part of my statement in which I said that the Federal Government is contributing \$19,950,000 annually to the Government employees' retirement fund. In a gentlemanly manner he bases his criticism on an editorial published in the Washington Post, which I did not happen to see, which states that the Federal retirement fund is made up entirely of contributions by the employees themselves. This information is about as accurate as the Post generally gives when it does not agree with Congress or its individual Members.

I take this time to state that I think my original statement was absolutely accurate, and for the information of the Post, providing they can understand it, I shall extend my remarks, and in that extension give the actual dates of the laws and the amounts carried in each one, which information has been furnished to me by the Committee on Appropriations this morning. When I make statements of that kind on the floor of the House I am very careful to know that they are accurate, else I would not make them. I ask unanimous consent to extend my remarks by including the letter from Mr. Shield, the clerk of the Committee on Appropriations, and the memorandum of the laws.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The letter and memorandum referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C., February 28, 1929.

HON. BERTRAND H. SNELL,

Chairman Committee on Rules, House of Representatives.

DEAR MR. SNELL: In accordance with your inquiry this morning I attach hereto a memorandum showing the appropriations made or pending for financing the liability of the United States under the retirement act of 1920 and acts amendatory thereof.

The memorandum shows the action of Congress to date for this purpose, and is exclusive, of course, of any sums appropriated annually for clerical and other expenses of the administration of the acts.

You will note that the appropriation in the Interior appropriation act for the fiscal year 1929 reads, "For beginning the financing, etc."

My own recollection of the matter has been strengthened by inquiry of the bookkeeping division of the Treasury Department, which verifies this information.

Respectfully yours,

M. C. SHIELD, Clerk.

STATEMENT OF APPROPRIATIONS MADE AND PENDING FOR FINANCING THE LIABILITY OF THE UNITED STATES CREATED BY THE CIVIL SERVICE RETIREMENT ACT

In the Interior Department appropriation act for the fiscal year 1929, approved March 7, 1928 (Public Act No. 100, 70th Cong.):

"For beginning the financing of the liability of the United States created by the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts amendatory thereof, \$19,950,000, which amount shall be placed to the credit of the 'civil-service retirement and disability fund.'"

Provision in the Interior Department appropriation bill (H. R. 15089), now pending in conference, for the fiscal year 1930:

"For financing of the liability of the United States created by the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts amendatory thereof (U. S. C. 1887, sec. 707a), \$20,500,000, which amount shall be placed to the credit of the 'civil-service retirement and disability fund.'"

LOAD-LINE LEGISLATION

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report upon the bill (S. 1781) to establish load lines for American vessels, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Maine calls up a conference report and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the report is not yet printed?

Mr. WHITE of Maine. No.

Mr. CRAMTON. And, of course, if we give consent now no point of order would lie against the report. We have had no opportunity to learn what is in the report. Will the gentleman state to us wherein the present report differs from the former report?

Mr. WHITE of Maine. In the present report section 9 of the House bill is entirely eliminated, and if the conference report be adopted the law will apply exclusively to ships in the foreign trade.

Mr. CRAMTON. Mr. Speaker, I withdraw any objection.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LAGUARDIA. While it is disappointing to some of us, it is a very good step forward.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

Mr. ABERNETHY. Mr. Speaker, the report is short, and I request the gentleman to have the report read.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 45.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 46, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows: Restore the word "foreign," and at the end of line 8, page 1, change the period to a comma and insert the words "the Great Lakes excepted," and on page 2, at the end of line 2, change the period to a comma and insert the words "the Great Lakes excepted," and the House agree to the same.

WALLACE H. WHITE, JR.,
FREDERICK R. LEHLBACH,
A. M. FREE,

Managers on the part of the House.

W. L. JONES,
CHAS. L. McNARY,
JOB. E. RANSELL,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1781, "An act to establish load lines for

American vessels, and for other purposes," submit the following written statement explaining the effect of the action agreed upon by the conference committee:

Of the 46 amendments adopted by the House, the Senate has receded from its disagreement to 44 of these amendments and has agreed to the same.

On amendment No. 3 the Senate has receded from its disagreement and agreed to the same with an amendment. In the form in which the amendment now appears, section 1 of the bill applies only to vessels engaged in the foreign trade, those on the Great Lakes excepted.

On amendment No. 45 the House recedes therefrom.

The effect of these changes is to limit the application of this legislation to merchant vessels of over 250 gross tons engaged in the foreign trade, foreign trade on the Great Lakes excepted.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
ARTHUR M. FREE,

Managers on the part of the House.

Mr. ABERNETHY. Mr. Speaker, I reserve the point of order for the purpose of eliciting information from the chairman of the committee.

Mr. WHITE of Maine. What is the point of order?

Mr. ABERNETHY. I am reserving the point of order for the purpose of eliciting information. If the gentleman does not care to give the information, very well. Will the gentleman yield?

Mr. WHITE of Maine. I will yield after I have taken the floor to make a statement.

The SPEAKER. Does the gentleman yield?

Mr. WHITE of Maine. No.

Mr. CHALMERS. Mr. Speaker, as I understand it, no point of order can be made against this conference report at this time.

Mr. ABERNETHY. Mr. Speaker, I reserve the right to make the point of order. I ask the gentleman to yield for information.

A MEMBER. Regular order!

Mr. LAGUARDIA. Mr. Speaker, if the gentleman has a point of order, let him make it.

The SPEAKER. The regular order is that the gentleman from Maine is entitled to an hour.

Mr. ABERNETHY. I am very sorry that the gentleman from Maine is in the frame of mind in which he seems to be.

Mr. WHITE of Maine. Mr. Speaker, I think it is wholly within the rights of the House to require of me a brief statement as to what has been done by the conferees with respect to this matter. Without going into detail, let me state the general effect. If the conference report is adopted, the legislation will apply exclusively to vessels engaged in the foreign trade. Section 9, the controverted amendment put on in the House, has been eliminated in its entirety. Speaking for myself and speaking for many of the other conferees, I regret exceedingly the necessity which forced us to this compromise. I agreed to it only because of my conviction that I could get nothing more at this time. However, I give notice, if this is the proper place for doing it, to those interests which oppose the extension of the load line law to our domestic trade, that they want to clear their decks for action because—

Mr. ABERNETHY. Mr. Speaker, I rise to a point of order.

Mr. WHITE of Maine. Mr. Speaker, I decline to yield at this point—because in the next Congress, if I know the Merchant Marine and Fisheries Committee, there will be reported out to this House for the consideration of this House legislation—

Mr. ABERNETHY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ABERNETHY. Mr. Speaker, the gentleman declines to yield to me, and at the same time I rise to make a point of order in all seriousness. I have a great deal of respect for the gentleman from Maine, but he is now stating that he gives notice of what the Merchant Marine and Fisheries Committee is going to do later on account of the position that has been taken. That is not discussing this conference report. What the Merchant Marine Committee is going to do to certain people or to certain Members of the House at the next session of Congress has nothing at all to do with the consideration of the matter at hand. I think the gentleman from Maine should confine himself to a discussion of the conference report.

The SPEAKER. The Chair, having been unable to hear anything that has gone on, on account of the disorder on the floor, is unable to rule; but he will ask the gentleman from Maine to proceed in order.

Mr. SABATH. In view of what the gentleman has said, is it a threat or a promise?

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield to me five minutes?

Mr. WHITE of Maine. I yield to the gentleman from North Carolina five minutes to discuss the conference report itself.

Mr. ABERNETHY. Mr. Speaker and Members of the House, I favor this conference report and intend to support it, and in justification of my support I desire to say that as it now comes in it carries out the will of the House, who at this time did not think it was wise to put all classes of shipping under the load-line legislation.

Now, there seems to have grown up some feeling among some of our committee in reference to the action taken here yesterday, when a point of order was made by me.

Mr. WHITE of Maine. Mr. Speaker, a point of order. The gentleman is not confining himself to the conference report.

Mr. ABERNETHY. I will confine myself to it.

Mr. LINTHICUM. I received a telegram this morning from one of the steamship associations opposing this bill, saying that they not only had a seagoing business but a coastwise business, and it would eliminate them from the coastwise trade.

Mr. ABERNETHY. I want to take this opportunity to say that I have a great deal of respect and admiration for the gentleman from Maine.

I rose primarily for the purpose of justifying, if I could, my support of the conference report as it now is. I think if this report is adopted this is as far as we should go at this time, as this question of regulation by governmental departments is a very serious thing. It enters into practically every activity of business in the United States. There are certain members of the Committee on the Merchant Marine and Fisheries who did not think this load-line legislation should apply to anything except the foreign trade, others thought differently, and that has been the controversy. I was one of the members who took the position that the legislation at this time should apply only to foreign shipping, and that accounts for my actions yesterday and to-day, and I am glad to know that the conferees have seen the wisdom of taking the view pursued by the Senate. [Applause.]

Mr. DAVIS and Mr. CHALMERS rose.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Mr. Speaker, I yield first to the gentleman from Tennessee [Mr. DAVIS] 10 minutes.

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. DAVIS. Mr. Speaker and Members of the House, every important nation on earth except the United States has long since enacted load-line legislation to protect all its citizens and their property against the overloading of ships by those who have more regard for a little more profit than for the lives of the seamen and of passengers and the property of the citizens. We have been trying for many years to enact a law of this kind, not only in the interest of safety of life and property but also in the interest of that large class of shipowners who do not want to overload their ships; in the interest of that class of shipowners who naturally do not want to have to compete with the unscrupulous operators who have no regard for life. Efforts along this line have up to this time been defeated by that small element who have no regard for the safety of life and property, and who wish to continue loading their vessels beyond the line of safety.

The Committee on the Merchant Marine and Fisheries during the present session first reported out a bill applying a load line to all vessels going to sea of over 250 tons, whether they were operating in the foreign trade, in the coastwise trade, or on the Great Lakes. Then, as it was near the end of the session and opposition arose on the part of certain interests, and it appeared unlikely that we would be able to pass a load line bill which could be filibustered to death by a few Members of Congress, the committee, not because they had yielded their opinion, not because they thought it was legislatively or morally right, but in the interest of expediency, reconsidered the bill and made certain specific exceptions, and we passed the bill through the House in that form. When it went to the Senate it developed that there was strenuous objection in the Senate because of the exceptions we had made with respect to certain classes, and the bill went to conference. Every one of the House and of the Senate conferees favored the resolution which was adopted and which was in the first report of the House managers. We declared ourselves in favor of applying the load line to all ships, and that in the next Congress we would undertake to do that. But realizing that the friends of some of these interests could filibuster the bill to death, we agreed upon and reported out the bill excepting the coastwise trade and the Great Lakes from the operations of the bill, and substituting in lieu a section in which we directed the Secretary

of Commerce to make an investigation and study of the advisability of applying this law to all classes of vessels and to make his report and recommendations to the next Congress.

It came to the House in that form, signed by all of the conferees. The gentleman from North Carolina [Mr. ABERNETHY], who has been making a fight for the exclusion of barges, the most dangerous type of vessels of them all, made a point of order against the provision directing an investigation. Naturally he was afraid for an investigation to be made of the dangers with regard to barges and the necessity from the standpoint of human life of having the load line law apply to barges. So he made a point of order which the Chair saw proper to sustain. Now the conferees have reported the bill back without that provision. I declined to sign the last conference report, so did my colleague, the gentleman from Virginia [Mr. BLAND] because, speaking for myself and I assume it is his view also, I was not willing to make any further concessions to that class of people who are not only opposed to a law that would prevent them from overloading, loading beyond the line of safety, but also opposed to an investigation, inquiry, and report by the Department of Commerce.

The American Steamship Owners' Association, composed of fifty-odd of the leading American steamship lines, operating in both the foreign and the coastwise trade, advocated load-line legislation. They advocated it as applicable to all ships and said, "We are willing and anxious for it to be put on us, if you put it on our competitors." But now they are properly and logically objecting to the bill in its present form. They said, "We were not going to make any fight against a bill which contained a provision for a future investigation and report, with a promise of the consideration of the other classes of vessels in the next Congress, but," they said, "when those expected classes put themselves in the attitude of even opposing a further investigation of the subject, we think the Congress is proposing to go too far and we are protesting against the passage of this bill." I have a telegram, received from them this morning, in which they are bitterly protesting against the bill in its present form.

Now, that is the situation with which we are confronted. I do not suppose I could, if I would, defeat this conference report, but I think it is wrong; I think it is discriminatory; I think it is unfair; and I think it is a yielding to some of the very interests who ought to have the load-line legislation apply to them, certainly as much, if not more, than the class to which we are proposing to apply it.

In response to a statement made by the gentleman from North Carolina I want to say that the Merchant Marine and Fisheries Committee is in favor of a fair and comprehensive load line, and I think that fact will be demonstrated in the next Congress, and in my opinion it will be demonstrated also that the Congress is in favor of it.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DAVIS. No; I decline to yield. My time is most too valuable. That investigation provision was a notice and an evidence of good faith, and it was an excuse for receding from our position and reporting a bill which does not include all classes.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. WHITE of Maine. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, I take this opportunity of stating as a member of the committee that we regarded this bill as a great humanitarian piece of legislation and that the exemptions in the original bill were made with a view of the parliamentary situation. In view of the parliamentary situation, the conference report, it seems to me, ought to be accepted. The innovation, so called, of putting into the bill a declaration of policy for next session, may be criticized, but it does set forth the attitude of the committee.

My purpose in asking for these two minutes was to remind the House of the many confused situations during the last week of a short session and ask the Members to take notice of the fate of important bills, and read the ringing words of the gentleman from Virginia on the Dale-Lehbach bill on yesterday. I ask the Members to read the RECORD of the other legislative branch on yesterday and last evening, and when we come back here next year let us vote to abolish the short session. It should be done. Let us think it over and realize the necessity while we are suffering from the effects of it. [Applause.]

Mr. WHITE of Maine. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. Mr. Speaker, we of the Great Lakes do not oppose an investigation. We welcome it.

I want to say to the chairman of the committee and to others that, since the adoption of the Constitution of the United States

140 years ago, the Congress of the United States has appropriated \$1,363,000,000 to develop the waterways of the country. Something has been said about the Great Lakes and transportation on the Great Lakes. Let me say this to the membership of the House: During the whole history of this country the Great Lakes have paid 10 per cent annually on all of the expenditures for rivers and harbors. I have that on the authority of the former Chief of Engineers, one of the best transportation experts in the country, Gen. Harry Taylor, and I have it on the authority of the present Chief of Engineers, General Jadwin. So we of the Great Lakes will favor an investigation, and we of the Great Lakes will welcome an investigation. We will be present at the hearings of the Committee on the Merchant Marine and Fisheries to present our case.

After the committee and the House understand the situation, as would necessarily follow in the orderly procedure of the House in presenting and passing a bill, then if the House wants to wring the neck of the goose that is laying the golden egg for water transportation in this country, well and good, but we of the Great Lakes will be here a year from now to present our case to the committee and to the House.

Mr. WHITE of Maine. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

BOISE NATIONAL FOREST, IDAHO

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1577) to add certain lands to the Boise National Forest, Idaho, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. COLTON, SMITH, and EVANS of Montana.

TETON NATIONAL PARK

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4385) to establish the Teton National Park, in the State of South Dakota, and for other purposes, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. COLTON, SMITH, and EVANS of Montana.

T. L. YOUNG AND C. T. COLE

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4848) with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. IRWIN, GUYER, and BOX.

HON. EUGENE BLACK

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, after 14 years of able, faithful, and distinguished service, my colleague the gentleman from Texas, Mr. BLACK, will retire at the end of this session. I am sure I voice the sentiment of the entire membership of this House on both sides of the aisle when I say that no man holds deeper the affection, the esteem, and the admiration of the entire membership of this House than does the Hon. EUGENE BLACK, from the first congressional district of Texas. [Applause.]

The State Senate of Texas recently passed a resolution commending him, and I ask that it be read in my time to the House.

The SPEAKER. Without objection, the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

Senate Simple Resolution 75

Whereas by concurrent resolution, the Texas Legislature recently directed the National Congress to questions in which the Southern States are vitally interested; and

Whereas the Hon. EUGENE BLACK, Congressman from the first Texas congressional district, was instrumental in reading into the CONGRESSIONAL RECORD copies of resolutions urging the return of Confederate records captured by the Federals during the Civil War, and urging equalization of tariff upon raw and manufactured products; and

Whereas in discussing the contents of the two resolutions Hon. Mr. BLACK said, in part:

[Excerpt from CONGRESSIONAL RECORD of February 1, 1929, page 2629]

"Mr. BLACK of Texas. Mr. Chairman, these two resolutions that have been read, deal with meritorious subjects. I shall not speak at length upon them at this time. The first resolution deals with Confederate military records which were seized during the Civil War and which some of the States desire now returned to them for their historical archives. I think that is a reasonable and proper request, and I hope it will receive the favorable consideration of the proper committee of the House.

"The second resolution deals with the subject just discussed by the distinguished gentleman from New York [Mr. CLARKE], the question of fixing tariff rates. Our legislature has asked that when the next Congress come to write a tariff law it shall give equal protection to the products of the ranch and the farm and the orchard as is given to the products of the factory and the mine.

"In the making of tariff laws under Republican administration heretofore industry has been the favorite child of protection, and the products of the farm, the ranch and the orchards have frequently been dealt with as the stepchild of protection by those who wrote the tariff laws. I hope that the Members of Congress from the agricultural States will see to it that in the writing of the next tariff law, equal treatment and equal justice shall be given to the products of the farm, the ranch, and the orchard as is given to the products of the factory and the mine. In doing that it will be necessary to follow some sort of a consistent rule, and I think the Democratic platform which was adopted at the Houston convention is as clear and fair a declaration upon the kind of a rule that should be followed as I have seen anywhere";

And whereas Hon. Mr. Black in his brief but able defense of the two resolutions stated correctly the position of Texas legislators and the citizens of Texas: Now, therefore, be it

Resolved, That the Senate of Texas is deeply appreciative of the interest of Hon. Mr. BLACK in directing attention of our National Legislators to the contents of the two resolutions, and that we are further mindful of his deep and abiding interest in all questions that arise which touch historical, political, social, economic, and other interests of Texas and the South, and that in him the South has an able and fearless defender; be it further

Resolved, That a copy of this resolution be enrolled and mailed to Hon. Mr. BLACK.

BARRY MILLER,
President of the Senate.

I hereby certify that Senate Simple Resolution No. 75 was adopted by the Senate on February 18, 1929.

BOB BARKER,
Secretary of the Senate.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?
There was no objection.

Mr. UNDERHILL. Mr. Speaker, I subscribe to all contained in the resolution just read, and in addition I want to say just one personal word about GENE BLACK and his work in the House.

It takes a superlative degree of courage to be unpopular, and Mr. BLACK never dodged a single issue because of its unpopularity. To some few of the reports which I have made as chairman of the Committee on Claims to this House, Mr. BLACK has from time to time interposed objections. I have never questioned his judgment, and have thought that if our report could not pass the scrutiny of GENE BLACK, the report was wrong, or the committee had failed to present the case clearly and convincingly.

I regret the severance of his relations with the House and believe I voice the confidence and affection, the respect, and honor which every Member of the House accords him, together with the hope that the country again may soon enjoy the advantage of his experience, judgment, and valuable service in the House. [Applause.]

REPRINT OF H. R. 8305

Mr. REECE. Mr. Speaker, some errors were made in the printing of the bill (H. R. 8305) on which I recently submitted a report from the Committee on Military Affairs, and I ask unanimous consent that the corrections may be made in the bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for a reprint of the bill (H. R. 8305) with certain corrections indicated by him. Is there objection?

There was no objection.

CHILDREN'S TUBERCULOSIS SANATORIUM

Mr. ZIHLMAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium, with a Senate amendment, and move to concur in the Senate amendment.

The Clerk read the title of the bill and the Senate amendment. The Senate amendment was agreed to.

SOLDIERS DISCHARGED FROM ARMY FOR MISREPRESENTATION OF AGE

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent to take from the Speaker's table the bill (S. 3736) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age and consider the same.

The SPEAKER. The gentleman from Pennsylvania, by direction of the Committee on Military Affairs, presents for consideration a Senate bill, which the Clerk will report.

The Clerk read:

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

Mr. EDWARDS. Reserving the right to object, is this a Senate bill?

Mr. MORIN. It is. It was reported out by the House committee by unanimous report. It corrects the record of the soldier who misrepresented his age, but who served from April 6 until the end of the war.

Mr. EDWARDS. I shall not object, but we have many bills over in the Senate committee which we can not get out—bills along this line.

Mr. LaGUARDIA. These are boys who served all through the war.

Mr. MORIN. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

An act (S. 3736) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. MORIN to reconsider the bill was laid on the table.

AMENDING SECTION 1440 OF THE REVISED STATUTES

Mr. DARROW. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent for the present consideration of the bill (S. 2410), to amend section 1440 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1440 of the Revised Statutes of the United States be amended by adding at the end thereof the following new sentence: "*Provided, however*, That the foregoing provision shall not apply to any officer of the Navy on the retired list."

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, that does not mean anything; I think we ought to have a statement from the gentleman as to what the bill does.

Mr. DARROW. The bill means exactly what it says. It permits a retired naval officer to be utilized in the Diplomatic and Consular Service. The act prohibiting that was passed in 1868, shortly after the Civil War, in order to protect the Consular and Diplomatic Service at that time. It is a matter that is urgently requested by the State Department and by the Navy Department. It does not entail any expense whatever on the Government, but it does permit, where it seems necessary, the utilizing of retired officers in the Consular and

Diplomatic Service, particularly in some cases where there are outstanding officers who could render valuable service to the Government, or some disabled officer who could obtain a minor position without being compelled to sever all connection with the naval service. It has the unanimous indorsement of the committee.

Mr. CRAMTON. The gentleman's explanation is quite satisfactory, but it is a very poor way to draw a bill by adding a sentence without setting forth the provision amended.

Mr. DARROW. The bill was reported by the Naval Affairs Committee in the same form that it passed the Senate.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. DARROW to reconsider the vote whereby the bill was passed was laid on the table.

CONFERENCE REPORT ON THE NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I call up the conference report on the bill (H. R. 16714) making appropriations for the Naval Establishment for the fiscal year ending June 30, 1930. The statement is short, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Idaho calls up the conference report on the naval appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 20. That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 14, 16, 18, and 19 and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "\$170,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "\$12,240,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "\$230,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "\$31,430,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 1, of the matter inserted by said amendment strike out "\$500,000" and insert in lieu thereof "\$200,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 13, 15, and 17.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,

Managers on the part of the House.

FREDERICK HALE,
L. C. PHIPPS,
CLAUDE A. SWANSON,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of

the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 2 and 3, relating to the Naval Reserves: Establishes the limit on expenditures for maintenance and rental of armories at \$170,000, instead of \$160,000, as proposed by the House, and \$170,000, as proposed by the Senate, the increase being intended to meet the expense of furnishing literature for the instruction of officers of the Merchant Marine Naval Reserve, and establishes the limit on expenditures incident to aviation at \$882,931, as proposed by the Senate, instead of \$859,875, as proposed by the House.

On No. 4: Makes available immediately \$578,500 of the total sum available for "Pay, subsistence, and transportation, Navy," as proposed by the Senate.

On Nos. 5, 6, and 7, relating to the appropriation "Maintenance, Bureau of Yards and Docks": Modifies, as proposed by the Senate, the maximum price which may be paid for a motor-propelled passenger-carrying vehicle and the present replacement cost figures of passenger automobiles to be exchanged.

On No. 8: Strikes out the appropriation of \$400,000, proposed by the Senate, toward extending Dry Dock No. 2 at the Puget Sound Navy Yard.

On Nos. 9, 10, and 11, relating to the appropriation "Aviation, Navy": Makes available \$230,000 for the procurement of helium, instead of \$160,000, as proposed by the House, and \$300,000, as proposed by the Senate.

On Nos. 12 and 14, relating to increase of the Navy: Appropriates \$28,550,000 for construction and machinery, as proposed by the Senate, instead of \$22,750,000, as proposed by the House, making \$200,000 of such increased sum, instead of \$500,000, as proposed by the Senate, available toward the construction of the second increment of five light cruisers, authorized by the act of February 13, 1929, and appropriates \$18,000,000 for armor and armament, as proposed by the Senate, instead of \$12,000,000, as proposed by the House, making \$200,000 of such increased sum immediately available toward the construction of the first increment of five light cruisers, authorized by such act of February 13, 1929, and a further sum of \$200,000 available for additional machinery and equipment at ordnance establishments, as proposed by the Senate.

On No. 16: Extends the provision denying the use of appropriations for the pay of persons engaged in making studies of the time consumed by employees in the performance of work to include studies of the movements of employees in the performance of work, as proposed by the Senate.

On Nos. 18 and 19, relating to salaries, Naval Observatory: Appropriates \$178,560, as proposed by the Senate, instead of \$174,380, as proposed by the House.

On No. 20: Strikes out the appropriation of \$154,000 proposed by the Senate for adjusting the rates of pay of the drafting group in the field services of the Naval Establishment.

The committee of conference has not agreed to the following Senate amendments:

No. 1, relating to the Naval Reserves.

No. 13, relating to the appropriation for "Increase of the Navy."

No. 15, relating to the improvement and equipment of navy yards for the construction of ships.

No. 17, relating to the performance of work in Government and private establishments.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYERS,
W. B. OLIVER,

Managers on the part of the House.

Mr. FRENCH. Mr. Speaker, at this point I shall place in the RECORD a summary of the totals at different periods of procedure on the naval appropriation bill from the time the estimates were received from the Bureau of the Budget until the report was agreed to by your conferees and which I am asking you to adopt:

Navy bill, as passed by House, carried.....	\$347,750,448
As agreed to by conferees, including items brought back,	
bill carries.....	360,236,697
An increase of.....	12,486,249
The Budget estimates, original and supplemental, amount	
to.....	361,465,132
As agreed to by conferees the bill carries.....	360,236,697

Thus bringing the bill within the Budget estimates by... 1,228,435

Senate amendments affecting amounts of money carried by bill

Object	Added to House bill	Agreed to
Naval Reserve:		
Merchant Marine Naval Reserve, literature for \$20,000		
Flying by reserves of advanced age..... 32,069	\$52,069	\$42,069
Puget Sound Navy Yard, dry dock extension.....	400,000	
Aviation, Navy, purchase of helium.....	140,000	70,000
Increase of Navy:		
Construction and machinery.....	15,800,000	15,800,000
Armor and armament.....	16,000,000	16,000,000
Improvement of yards for shipbuilding.....	1,570,000	1,570,000
Naval Observatory, salaries.....	4,180	4,180
Pay of field-service draftsmen.....	154,000	
	13,120,249	12,486,249
	12,486,249	
Amount of Senate recessions.....	634,000	

¹ Covered by supplemental estimate—Senate Document No. 222.

Mr. Speaker, after the bill providing for appropriations for the Naval Establishment for the fiscal year 1930 had passed the House of Representatives, the President signed the cruiser-aircraft carrier measure, which authorizes the construction of 15 cruisers and one aircraft carrier, the cruisers to be begun during the years 1929, 1930, and 1931, and the aircraft carrier to be begun in 1929. The whole program calls for a total expenditure of \$274,000,000, exclusive, of course, of expenditures that will need to be met in placing yards in condition in which they may do efficient construction work and other expenditures in connection with equipment that will need to be cared for later on. Following the approval of the measure by the President, the President transmitted estimates to the Congress for commencement of construction work in the amount of \$12,370,000; of which amount, \$570,000 was recommended for improvement and equipping of navy yards; \$5,800,000 was recommended for construction and machinery; and \$6,000,000 for the procurement or manufacture of armor, armament, and ammunition, all to be expended upon the first group of five cruisers and one aircraft carrier.

The Senate modified the Budget recommendations to the extent of making \$500,000 available for commencement of the second increment of cruisers, five in number, during the fiscal year 1930.

In addition to the foregoing the Budget recommendations included contract authorizations for navy yard improvement work to the extent of \$1,725,000.

Your conferees insisted upon reducing the item of \$500,000 that had been included in the appropriation bill for commencement of the second block of five cruisers to \$200,000. We did this because we believed that the cruiser building program should be worked out along the most economical lines and that such economic program suggests an orderly placement of contracts and commencement of work within navy yards so that the cost of construction in any one year will not be unduly large.

There had been much demand, even among Members of Congress and upon the part of those who were pressing for the earliest construction possible, that 10 cruisers be laid down within a comparatively short time, some proposing five in June, 1929, to be followed by five in September.

The item carried in the Senate amendment made available \$500,000 for the second group but nothing was stated in the language accompanying the item or in the discussions on the Senate floor, so far as I am aware, as to the time within which it would be expected the second group of cruisers would be begun other than that they would be begun during the fiscal year 1930. The small amount of money made available would suggest that they could not be commenced economically in September. On the other hand, it was freely talked that the plan was that they should be laid down in March next.

Your conferees believed that even such a program as this latter was unwise and accordingly insisted on a reduction in the amount to be made available, to \$200,000, with the distinct understanding that it is an expression of the Congress that the laying down of the second block of cruisers will be one year from the laying down of the first block, and that June, 1929, may be considered as the date for the commencement of the first block and June, 1930, the date for the commencement of the second.

The papers to-day have carried the statement that the \$200,000 for the second increment of five cruisers will be available for expenditure after July 1, 1929.

According to our conference report that statement calls for comment that ought to be placed in the permanent Record and

made to the Members of this House at this time that there may be no misunderstanding. It is true the \$200,000 that will be available for the second group of five cruisers is included in the appropriation bill for the fiscal year 1930, beginning July 1, 1929, and ending June 30, 1930.

In the Senate, when the chairman of the committee reported the conference report upon yesterday, the Chairman said, as he referred to the reduction of the amount available for the second group of cruisers from \$500,000 to \$200,000:

This will enable us to start these cruisers under the terms of the cruiser law in 1930. They will be started, of course, at the extreme end of that fiscal year.

May I further advise the House that at the time that we were coming to an agreement on the item for the reduction of the amount for the second group of cruisers from \$500,000 to \$200,000, I stated distinctly in the conference committee that I wanted to be at liberty to state upon the floor of the House that we were "proposing making the money available for expenditure in June of 1930."

During my general discussion of the naval appropriation bill, I pointed out the reasons why in the building program we should so arrange our work that an even flow of construction would be carried forward in either the public or private navy yards in shipbuilding. An even load in naval construction work is economically sound:

First. It avoids a hump in construction cost which means a hump in number of technical and mechanical men employed in the several navy yards. By refusing to lay down 10 cruisers so that their construction would be commenced at approximately the same time, we are avoiding a hump that would appear in about 18 months from now that would aggregate approximately \$25,000,000 in excess of what the construction cost would be just prior to that period and immediately subsequent thereto.

Second. An even flow of construction work will reduce to the minimum investment cost in navy yards.

Third. It will reduce to the minimum uneconomic competition between Government yards and private yards for technical employees and machinists and skilled laborers of all kinds.

Fourth. It will avoid as much as possible the employment in both public and private yards of large numbers of partially trained workmen.

Fifth. It will permit the Government to take advantage of lessons that may be learned through the construction of the first group of cruisers and apply improvements to ships that will be begun at a later date.

Sixth. It will avoid as much as possible the discharge of large groups of technical employees and skilled laborers upon the completion of an excessive amount of work that through an immediate large construction program would inevitably be required to be performed during the second year.

Seventh. It would remove in large part the demand of employees and centers of population where these employees would be engaged, for new construction work without regard to actual needs, merely for the purpose of keeping men from losing employment.

Eighth. It will avoid a course of construction that would be calculated to arouse suspicion upon the part of other nations toward the United States.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. Is the gentleman carrying the inference to the House that the 3-year time limit originally desired by Congress is being lengthened to a 4-year time limit for the laying down of those 15 cruisers?

Mr. FRENCH. Oh, no. The gentleman evidently did not catch what I said. We are carrying in the bill money for the commencement of the first five cruisers within the present fiscal year, with the thought that they will be begun as of June, 1929. We are carrying \$200,000 in the bill for the commencement of the second group of cruisers, with the thought that they will be begun in June, 1930.

Mr. BRITTEN. Is the gentleman quite satisfied in his mind that \$12,375,000 is sufficient to justify an assurance in the 3-year program; in other words, that all of these ships will be laid down within three years, and that they can be laid down under this sort of a start?

Mr. FRENCH. With \$12,000,000 the first year?

Mr. BRITTEN. Yes.

Mr. FRENCH. Let me make a statement on that point. Before reaching the particular question that the gentleman raises, let me refer again to the estimated cost of the whole program.

Under the act the cruisers will cost, as it is estimated, \$17,000,000 each, or a total of \$255,000,000; the estimated cost

of the aircraft carrier is \$19,000,000; or a grand total of \$274,000,000.

The carrier will be begun during the fiscal year 1930, and the cruisers should be begun, if regard be had for economies in construction, at intervals of about one year between groups of five.

The orderly construction of ships of this type covers a period of approximately three years each. The expenditure of money can not be made evenly on a given ship throughout the three years; that is, upon a cruiser that will cost \$17,000,000, approximately \$3,700,000 would be expended in orderly way the first year by the Bureaus of Construction, Engineering, and Ordnance. About \$9,000,000 would be expended the second year, and about \$4,300,000 would be expended the third.

On a carrier that will cost \$19,000,000, the allocation of amounts to be expended per year will follow along approximately the same ratio as for the individual cruiser. From this it must appear that on a group of five cruisers and one aircraft carrier there would be expended normally during the first year approximately \$20,000,000, during the second year approximately \$53,000,000, and during the third year approximately \$30,000,000. Should construction be arranged so that 10 cruisers would be undertaken at approximately the same time, the cost for the first year of 10 cruisers and 1 aircraft carrier would be between \$35,000,000 and \$40,000,000, the second year approximately \$106,000,000, and the third year approximately \$50,000,000 to \$55,000,000.

Your committee, in studying this question, are most desirous of avoiding any such hump the second year, and for this reason we have insisted from the beginning that with the first group of five cruisers scheduled to begin in June, 1929, the second group should not follow along until approximately one year thereafter.

The gentleman from Illinois has asked me whether I think the amount recommended by the Budget is economically adequate for the commencement of the program.

Mr. BRITTEN. Oh, I beg the gentleman's pardon. I did not say for the commencement of the program. I am thinking about the finish of the program.

Mr. FRENCH. I think the gentleman has in mind the same thought that I have; in other words, the commencement of the program in such a way as to carry it to completion as to each group of ships within a period of three years for the group.

Mr. BACON. In other words, the first five will be finished within three years, and this is enough money to start the program so that they will be finished in three years.

Mr. FRENCH. I question very much whether the amount recommended by the Budget is an amount adequate for the most economical construction of the cruisers, and I would not be surprised that further consideration of that question by the department and by the Bureau of the Budget and by your Committee on Appropriations would result in our coming to the Congress next winter and asking for supplemental appropriations that would increase the amount for the coming fiscal year by some \$7,000,000. What I have in mind is economical construction, the even flow of work that ought to be carried forward for the orderly building of ships and the orderly and economical expenditure of money.

Mr. BACON. As a matter of fact, is it not true that the so-called Dallinger amendment is going to retard the program a great deal?

Mr. FRENCH. I think it will retard the program and increase the cost, but the point is this: The amendment has been adopted, and your conferees in agreeing to the report have recognized that the Dallinger amendment is the expression of the present Congress, and we have shaped the bill in order to conform to the mandate of the Congress in the legislation that it has enacted.

Mr. BACON. In other words, as far as the Appropriation Committee is concerned, the money will be provided this year and next and the third year to finish the first five within the three years. And the only delay that will be caused will be due to the fact that the three out of the five ships will have to be built at navy yards, which will require quite a lot of time to enable them to do that. The delay is not going to be because of appropriations, but on account of the fact of the additional equipment needed.

Mr. FRENCH. I could not anticipate all the possible causes of delay in the next year. I had hoped the program would go through in the regular way.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield there?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. The gentleman from Idaho stated that on account of the so-called Dallinger amendment there

would be a delay, and also an increase in the cost of construction. Will the gentleman give to the House information as to what part of the delay will be caused by the Dallinger amendment and what part would be caused by the increased cost of construction?

Mr. SWING. Will the gentleman include in that information the bids made by the Mare Island Navy Yard and the Bremerton Navy Yard on the last ships that were laid down, and tell how many thousand dollars cheaper those two yards bid on the cruisers than any of the private shipbuilding concerns?

Mr. VINSON of Georgia. Will the gentleman reply first to my question?

Mr. FRENCH. I am not able to answer the question, because it is impossible of being answered.

Mr. VINSON of Georgia. Is it not a fact that the appropriation has been increased by \$1,795,000 on account of the so-called Dallinger amendment?

Mr. FRENCH. I think in large part that item of appropriation is increased on account of the Dallinger amendment.

Mr. VINSON of Georgia. The Dallinger amendment having been agreed upon by the House and Senate, it will cause an additional expenditure of approximately \$1,795,000, will it not?

Mr. FRENCH. The items to which the gentleman refers, carried in the Senate amendment, provided for increasing the facilities of navy yards, and I think in all fairness it should be said that part of that expenditure would have had to be made even had it not been for the Dallinger amendment.

Mr. VINSON of Georgia. Would it not have required only about \$550,000 increased expenditure if it had not been for the Dallinger amendment?

Mr. FRENCH. I think we must have yards enough equipped for the work to afford adequate competition in ship construction. Estimates would have been called for from navy yards and bids called for from private shipbuilding companies. When you require that three of the first five ships must be built—not may, but must be built—in Government navy yards, you force a condition upon Congress that requires it to make appropriations sufficient to bring enough navy yards up to the point where they can handle the work.

Mr. VINSON of Georgia. Therefore it is the Dallinger amendment that brought about that condition that will cause an additional expenditure of \$1,200,000?

Mr. FRENCH. In part; yes.

Mr. VINSON of Georgia. Is it not a fact, and does not the gentleman from Idaho know, that the Dallinger amendment cost \$1,200,000?

Mr. FRENCH. I do not think it involves that much at this time. We know not what the future may hold in store. But the 3-year time limit, plus the Dallinger amendment, made it necessary if we are to have regard for economical construction to expand the facilities of the navy yards. I have no doubt that had the amendment not been adopted it would have been necessary to have provided some of the yards with equipment and facilities and ways so that they could have stood as effective competitors with private shipbuilding companies.

Mr. VINSON of Georgia. Is it not a fact that three of the yards to-day are enough to bring about the necessary competition, and it is only necessary to have an expenditure of \$500,000 to meet the requirements. And is it not a fact that the Dallinger amendment has caused the Senate to raise the estimates for the conditioning of these three yards to \$2,225,000, and that this amount was reduced to \$1,795,000 in conference?

Mr. FRENCH. I will give the gentleman the figures on the different yards, because they will answer the question as nearly as it can be answered. At the present time there are three cruisers being built at Government navy yards, New York, Mare Island, and Bremerton on Puget Sound. If you were to call for estimates to-day from the navy yards upon cruiser construction for 1930, the following yards would be able to offer bids, provided they could have the amount of money necessary to condition them, as I shall indicate: Boston could offer a bid for one ship if you expended \$225,000 in conditioning the yard; New York could offer bids for two ships if you were to expend \$150,000; Mare Island could offer bids for one ship if you were to expend \$275,000; and Bremerton could offer bids for one ship if you spent \$125,000.

Mr. VINSON of Georgia. What about Philadelphia?

Mr. FRENCH. Philadelphia would not be in position to offer a bid unless you expended some money, but if you expended \$500,000, that yard could offer a bid for one ship. In other words—

Mr. VINSON of Georgia. Will the gentleman state to the House how much would be spent for final equipment?

Mr. FRENCH. If we are to put the yards in condition to do the work it would be incumbent upon us to allow somewhere near the amount carried in the bill.

Mr. VINSON of Georgia. How much money would that be?

Mr. FRENCH. I should say \$775,000 all told for the following yards, Boston, New York, Mare Island, and Bremerton.

Mr. VINSON of Georgia. Then the view of the gentleman from Idaho is in accord with that of the gentleman from Massachusetts [Mr. DALLINGER]?

Mr. FRENCH. No; I think not. In order to enable the yards I have indicated to offer bids at all in the way I have indicated we would need to appropriate this year \$775,000.

If you did not require so many ships to be built in Government navy yards we would not need to put so many of them into condition to offer bids.

In the second group, following up my answer to the questions of the gentleman from Georgia, I shall first refer to Philadelphia. If \$1,000,000 were expended Philadelphia could offer bids for two cruisers in one year from now, and if \$500,000 were expended that yard could offer bids for one. Norfolk, with an expenditure of \$500,000, could offer bids for one. Bremerton could offer bids, upon the expenditure I have already indicated, for one in 1929 and one in 1930. In this second group I have indicated amounts for yard improvements aggregating a possible \$1,500,000, of which total your conference committee agreed upon the sum of \$1,000,000, thinking that if next winter it would appear that we shall need further yards, or it looked wise to provide further opportunity for bidding in 1930 we could increase the amount by \$500,000 at that time.

Mr. VINSON of Georgia. Is it not a matter of fact that the Navy Department was in position to have sharp competition without the Dallinger amendment?

Mr. FRENCH. Yes; with a much smaller expenditure of money. With the requirement that three of the first group of five cruisers be built in navy yards and that they be commenced within a year necessarily we felt it incumbent upon us to recommend the appropriation of these additional moneys to put the yards into shape to offer estimates.

Mr. VINSON of Georgia. The House having approved the Dallinger amendment you are merely carrying out the provisions of the Dallinger amendment?

Mr. FRENCH. That is what we have undertaken to do.

Mr. DALLINGER. Will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. DALLINGER. Is it not a fact that if the Navy Department and the Government had carried out the authority and instructions of the act of 1916 and kept the navy yards up to their full efficiency, as have all the other great powers, there would not be any need of any additional money on account of the Dallinger amendment?

Mr. FRENCH. If we had done that we would have already spent untold millions on the navy yards of the United States.

Mr. DALLINGER. But the act of 1916 authorized and directed the Secretary of the Navy to do that very thing, did it not?

Mr. FRENCH. Oh, the law must be administered with regard for economies, and if we had done what the gentleman has suggested it would have cost the Government up to the present time millions of dollars for the upkeep of navy yards of the United States which have been saved to the Public Treasury.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DOUGLASS of Massachusetts. May I ask what provision is made for the Boston Navy Yard?

Mr. FRENCH. For the Boston Navy Yard for 1930 we are carrying \$225,000. That is the amount we are carrying contingent upon the cruiser and aircraft program and is in addition to the amount carried in the bill as we explained to the House some two weeks ago.

Mr. MILLER. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. MILLER. I observe that the gentleman made the statement that it would require \$125,000 to put the Puget Sound Navy Yard into the competitive class for the building of one of these cruisers.

Mr. FRENCH. That is the estimate of the department, and we have used their figures.

Mr. MILLER. From what department did you get that information?

Mr. FRENCH. The Navy Department, through the responsible officers.

Mr. MILLER. Did any bureau of the Navy Department recommend any such sum?

Mr. FRENCH. We had before us the Chief of Construction and Repair, Admiral Beuret, and we also had before us Admiral Yarnell, the Chief of Engineering, and in the presence of

those two gentlemen the Chief of the Bureau of Construction and Repair indicated the figure to which I have referred.

Mr. MILLER. Did they indicate what it was for? Did they give any items in their estimates?

Mr. FRENCH. Does the gentleman mean that they went into detail?

Mr. MILLER. Yes.

Mr. FRENCH. It is for the general bringing up of the yard into condition so that it could make estimates, with the hope or belief that the work could be carried forward most efficiently. It is for the bringing up of the facilities of the yard generally.

Mr. MILLER. The gentleman is aware that they are building a cruiser there now?

Mr. FRENCH. That is right.

Mr. MILLER. And there is additional room in the construction dock for another cruiser of the same size, so that there will be no expense whatever in that regard.

Mr. FRENCH. But the department believes that for most efficient work in this yard it will be necessary to expend \$125,000.

Mr. MILLER. If you will permit us to bid on those cruisers, that can be done without a dollar of additional expenditure, and we will go ahead. Now, another thing: Has the gentleman observed that of the six cruisers now under construction, the two built in the navy yards were \$2,500,000 less than the lowest private bid?

Mr. FRENCH. Of course, the gentleman refers to estimates, but he fails to tell the House that which I told the House during general debate, that these estimates from the different navy yards are just estimates; the yards are not required to live up to them, and the Congress is repeatedly called upon to revise the appropriation sums and to give additional amounts from year to year in order to carry to completion ships begun upon the basis of estimates in navy yards.

Mr. MILLER. Yes; and that does not apply alone to navy yards but also to private yards where we have recommended appropriations over and over again increasing the amount originally appropriated.

Mr. FRENCH. Under the cost-plus contract, that I hope we have abandoned and which grew out of the World War, what the gentleman says is true; but, as a matter of fact, under our present system no such condition as that will obtain. On the other hand, it is likely to obtain in Government navy yards in view of the legislation we have enacted requiring construction of ships in navy yards.

Mr. SWING. Will the gentleman be good enough to put in his remarks the bids of the private yards and the Government yards, for the information of the Congress, on the last bids which were received on the cruisers?

Mr. FRENCH. The gentleman may make such speech as he cares to make. I have said that any such statements as that are not worth considering by the House at this time for the reason that the contractor is held responsible under his bond for his bid while the navy yard is not.

Mr. SWING. Let me make this statement in connection with that remark: The Mare Island Navy Yard, according to records of the Government, has completed every contract it has taken for construction within the past eight years within its cost estimate.

Mr. FRENCH. And that yard has done measurably better than other yards of the country, and I take it we shall not be able to place all naval-construction work in the navy yard at Mare Island.

Mr. LAGUARDIA. Will the gentleman yield right on that point?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. The gentleman says that the navy yard is not held to its estimates.

Mr. FRENCH. True.

Mr. LAGUARDIA. But, as a matter of fact, the gentleman's experience on the Committee on Naval Affairs when that committee was making the appropriations and his experience on the Committee on Appropriations now will indicate that on every contract that has been given for a battleship or a cruiser to private yards the contractor has come in for an increased amount of money after the contract has been awarded.

Mr. VINSON of Georgia. Oh, the gentleman is mistaken.

Mr. FRENCH. That would be impossible on the same type of work except with respect to some of the cost-plus contracts that were made. We have gotten away from the cost-plus contracts. We have sometimes made changes in the structure of the ship itself that have entailed expenditures in excess of original plans.

Mr. LAGUARDIA. Exactly.

Mr. FRENCH. And in doing that we have incurred expense, but it is just the expense that you as a private citizen would incur if you had awarded a contract for the building of a home and then changed the plans during the time construction was going on.

Mr. LaGUARDIA. Is it not true that, as a matter of fact, when a private yard finds itself in difficulty on account of underestimating, changes are made so as to get around the estimate or the bid?

Mr. FRENCH. No.

Mr. VINSON of Georgia. Before the gentleman yields the floor will he answer one further question? Has the gentleman any knowledge of any navy yard ever having built a ship within the original amount authorized by Congress?

Mr. FRENCH. The gentleman's question is a very comprehensive one, and I do not want to answer it offhand. The record is at the department.

Mr. VINSON of Georgia. Is it not the fact with respect to every ship built at a navy yard in recent years that it has been necessary for the Congress to make additional appropriations to finish the ship?

Mr. FRENCH. Generally speaking, that is correct.

Mr. MILLER. Will the gentleman yield for just a short question?

Mr. FRENCH. Yes.

Mr. MILLER. Will the gentleman also observe that there never has been a vessel built in a United States navy yard where an increased appropriation has been necessary unless the plans for that ship have been changed?

Mr. FRENCH. No; that is not correct; that is, to the full extent of the increase in cost. In other words, change in plans may have been responsible for part of the increase, but a great deal of the increase has been on account of the fact that the navy yard did not submit the accurate estimates it should have submitted at the time the estimates were made.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 1: Page 10 of the bill, in line 23, strike out "\$4,697,931" and insert in lieu thereof "\$4,750,000."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Idaho moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the sum inserted by said amendment, insert the following: "Exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate qualified to perform combat service as pilots of naval aircraft, \$4,740,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 13: Page 25, line 16, after the word "expended," insert the following: "(13) *Provided*, That appropriations contained in this act on account of 'Increase of the Navy,' except the amount of \$500,000 made available toward the construction of the second five light cruisers authorized by the act approved February 13, 1929, shall be immediately available, in the discretion of the Secretary of the Navy, for the employment of such clerks, draftsmen, and technical employees as may be required at navy yards, in field-inspection offices, and in the Navy Department in the District of Columbia, for the preparation of plans and the work of inspecting and constructing vessels building, such employees to be in addition to those otherwise provided for."

Mr. FRENCH. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read the amendment, as follows:

Amendment No. 13: In lieu of the matter inserted by said amendment, insert the following: "*Provided*, That of the appropriations contained in this act under the head of 'Increase of the Navy,' there shall be available immediately such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, including the purchase of plans, and the employment of additional clerks, draftsmen, and technical employees in the Navy Depart-

ment and in the field owing to the construction authorized by the act of February 13, 1929."

The motion of Mr. FRENCH was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

(15) Improving and equipping navy yards for construction of ships: Toward providing and reconditioning building ways and providing additional equipment and facilities at navy yards and ordnance establishments necessary for the construction and equipment of ships, \$570,000, to be immediately available, and in addition the Secretary of the Navy, upon approval by the President, is authorized to enter into obligations for this purpose, amounting in the aggregate not to exceed \$1,725,000.

Mr. FRENCH. Mr. Speaker, I move to recede and concur with the following amendment.

The Clerk read as follows:

In line 9 of the matter inserted by said amendment strike out "\$1,725,000" and insert in lieu thereof "\$1,225,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

(17); and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, requirement, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the proviso contained in section 1 of the act to authorize the construction of certain naval vessels approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States except such material or parts as are not customarily manufactured in such Government plants.

Mr. FRENCH. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. MILLER. Mr. Speaker, will the gentleman from Idaho yield?

Mr. FRENCH. I yield.

Mr. MILLER. In regard to Senate amendment No. 8, providing for the docking facilities for the two airplane carriers, *Lexington* and *Saratoga*, in the Government yards on the Pacific coast. This, as I understand, was recommended strenuously by the Navy Department, approved by the Budget, approved by everybody, that there should be docking facilities at the navy yard to accommodate all vessels of war. I am simply pleading in behalf of the Pacific Battleship Fleet that there be a Government yard on the Pacific coast with docking facilities to dock our own vessels on that coast.

Mr. FRENCH. I explained the attitude of the committee at the time the bill was under general debate some 10 days ago. The particular item to which the gentleman refers was put on in the Senate and struck out in conference. The conference report has been approved by the Senate and just approved by the House. Therefore no further consideration can be given it until some other time.

Mr. MILLER. I understand it has passed in this bill but I hope the gentleman's committee has not sealed the fate of the Pacific Navy Yard.

Mr. FRENCH. The gentleman ascribes too much power to our committee. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Idaho to recede and concur.

The motion was agreed to.

BAPTIST YOUNG PEOPLE'S UNION

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert a statement made by the Baptist Young Peoples' Union as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia.

There was no objection.

Mr. HUGHES. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the story of the achievements of the Baptist Young People's Union of the Fifth Avenue Baptist

Church, Huntington, W. Va., by Franklin L. Burdette and Paul L. Webb.

I have a personal knowledge of the good service that is being rendered by this organization. All of the statements contained in the report of Mr. Burdette and Mr. Webb I know to my personal knowledge are true, and, in fact, this is a very modest statement with reference to the splendid work that they are doing.

The statement is as follows:

THE BAPTIST YOUNG PEOPLE'S UNION OF AMERICA AND ITS RELATION TO PROGRESS

THE STORY OF THE ACHIEVEMENTS OF THE BAPTIST YOUNG PEOPLE'S UNION OF THE FIFTH AVENUE BAPTIST CHURCH, HUNTINGTON, W. VA.

By Franklin L. Burdette and Paul L. Webb

The future of a community and of a nation can usually be forecast through the activities and training of the younger generations. The greatest empire can not retain its position in the eyes of the world if it is not constantly producing new minds embodying the ideals and principles of the fatherland. The very foundations of any nation must be laid upon the growth of youth. Every youthful mind contains the embryo of a great leader; every youthful thinker is a potential savior of his race.

Upon the development of these human resources, then, depends the future of our own country, the greatest republic that God has seen fit to establish upon the earth. It is the sacred trust of the family, the church, and the state to foster every adequate method for the proper training of those tender lives in whom lie the hopes of future greatness and expansion. It has been conceded that heredity is a great factor in determining the habits and thought of every child. In many ways the force of this heredity is uncontrollable, but there are many influences which tend to modify and perfect the character which is the birthright of every citizen of this land. Environment is a factor which in large measure polishes the rough edges of a seemingly crude character, or, unfortunate as it may be, nicks the smooth surface of the most refined nature. This latter factor may be directed in such a manner that every youth whose faltering footsteps are bent toward an ultimate disaster may become an upright citizen, a wise counselor, and a capable officeholder.

Since the creation of the human race the family has been the molder of the environment into which children are introduced. The family was the first divine institution, and it remains to-day the primary social institution of every race, civilized or barbarian. As the centuries pass, however, and the environment of the human race becomes more complicated, many of the activities which have lain only in the hands of the family are now intrusted to other agencies. Herein lies the possibility of a broader development and also the possibility of a national catastrophe. If the youthful mind can be brought into contact with clean, moral surroundings on a larger scale than in the family, this Nation has indeed a hopeful outlook upon the future. But if that same youthful mind should be placed in associations which are less elevating and inspiring than those of the family, the nations of the earth are doomed to hopeless chaos.

As the influence of the family upon the training of youth tends to decrease, the influence of the church tends to increase. In times past men have thought of the church as a place in which to worship God in the most solemn and ritualistic manner. In those days the church was not expected to participate in the training of youth for better citizenship. Its sole purpose was that of instilling an awesome dread of the divine God, a God of vengeance, into the untutored brain of youth. To-day the church is conceived as an institution for the dissemination of those great truths which have made this mighty Nation the land of the free and the home of the brave. The church has emerged from the enveloping folds of puritanic restrictions into the sunshine of truth. It is now prepared to proclaim a new God—a God of love and of mercy.

In this regeneration of the church young people have gained a glorious opportunity for a true development. By organization and by increasing interest in the affairs of the world young people have made themselves a more potent influence than at any other time in the history of mankind. It is the purpose of this article to relate the simple yet wonderful story of an organization which is typical of the efforts and achievements of young people throughout the length and breadth of this land.

Early in 1886 the young people in a small church organized themselves into a society for the purpose of teaching and practicing the great truths and religious principles for which this country was settled and for which millions of unsung heroes have laid down their lives. That church was the Fifth Avenue Baptist Church, of Huntington, W. Va. To-day that church is the greatest Baptist church in the State in membership, buildings, and equipment equal to any. That young people's society, which later became one of the organizations composing the great Baptist Young People's Union of America, was the beginning of a great influence in the lives of thousands of young people. To-day that society is one of the best-known organizations of the Baptist Young People's Union in the United States.

The zealous heartbeat of that organization has never ceased to throb. Early in its history the Baptist Young People's Union of the Fifth Avenue Baptist Church was courageous enough to oppose the sale of intoxicating liquor. At that time the liquor traffic was in its prime, saloons were wide open throughout the city, and the sale of alcoholic beverages was almost considered a reputable profession. Pioneering for the betterment of society has been characteristic of the Baptist Young People's Union of Fifth Avenue. The leaders and members of the organization have kept as the sacred keystone of their teaching the undertaking of such tasks. They have believed firmly that the city of Huntington and the State of West Virginia would be better places for American youth and American citizenship if such principles were woven into the statutory fabric of this Nation.

One of the great problems of any church is its finance. Too frequently young people are not permitted to participate in the affairs which pertain to the church budget. They are perfunctorily asked to subscribe to current expenses and missions by older members of the church who are unable to approach young people on a level of equality and understanding. The inherent enthusiasm of youth is dampened by such methods, and the result is far from satisfactory. When the Fifth Avenue Baptist Church was a small organization struggling for financial independence and for adequate equipment, the young people took the initiative in creating an atmosphere of fervent enthusiasm by which it was possible to raise sufficient funds for several needed improvements. One evening the young people invited the entire congregation to attend a meeting at which the topic "Our Church" was discussed. At this meeting many members of the church obtained a new insight into the character and ability of young people. Following the eager example of these young financiers, the congregation raised enough money to erect a larger and more beautiful edifice.

Faded and musty records reveal that the Baptist Young People's Union of Fifth Avenue did not confine itself to the financial affairs of the local church. On one occasion the Baptist Young People's Union of Fifth Avenue contributed money that inaugurated a movement for the founding of an institution that is now housed in a building worth nearly half a million dollars. This institution, with its magnificent building, is a constant source of pride to the citizens of Huntington. The sum contributed by the Fifth Avenue Baptist Young People's Union might be called small to-day, but it was enormous in the days when a church budget was no larger than the subscription of one wealthy member to-day.

Young people are often charged with spending money for purposes which bring no definite results and have no particular object. Young people are criticized for extravagant social entertainments. However true this may be of youth undirected and uncontrolled, it is not true of youth taught the principles of true thrift by conscientious leaders of organizations which have the welfare of humanity as a real aim.

The Baptist Young People's Union of the Fifth Avenue Baptist Church, functioning as it did, served as a fit place to train future law-makers, future industrial leaders, and future commercial heads. From its assemblies they came trained to preside, trained to think accurately and reason logically, and trained to meet other people in every walk of life.

The present mayor of Huntington, the city treasurer, and other officials of the city were once active young people of the Fifth Avenue Baptist Church. The judge of the circuit court in this section of the State was on more than one occasion president of the Baptist Young People's Union of Fifth Avenue. The owner of a manufacturing industry doing a half million dollar business in Huntington annually, the owner of a commercial establishment with a vast volume of sales, and bank officials who control much of the financial life of the tri-State region of West Virginia, Ohio, and Kentucky were once members of this Baptist Young People's Union.

It would be impossible to estimate the size of the vast multitude of men and women who have gone forth from the Baptist Young People's Union of Fifth Avenue into places of prominence and responsibility in the professional world—lawyers, physicians, dentists, surgeons, and a mighty concourse engaged in other occupations who are faithfully carrying on their tasks, large and small, in the world's work.

Many of those who were once active in the affairs of the young people of Fifth Avenue have gone to other parts of the Nation, whence reports of university leaders, corporation presidents, and prominent business heads slowly trickle in. Those who have remained behind are practicing in the church and in the larger field of human contacts those principles of business, of commerce, and of helpfulness which were taught by the Baptist Young People's Union of Fifth Avenue.

The Baptist Young People's Union is not, however, in any sense an organization for training business men, commercial heads, and leaders of other professional enterprises. The primary and fundamental purpose of every Baptist Young People's Union is training in Christian leadership for the betterment of the community. The more perfectly this objective is realized the more influential is the organization in the business and professional affairs of the world. As young men and young women are convinced of the truth of the Golden Rule, in practice as well as in theory, business ethics necessarily become cleaner and more upright. This great purpose of the Baptist Young People's Union was

never forgotten at Fifth Avenue, and the great harvest in better human lives has proved the value of the conception which led to such results.

The Baptist Young People's Union has produced pastors of churches, professors in seminaries, religious leaders who now hold high positions in the denomination, teachers in the public schools, and founders of rescue missions. This splendid group of men and women have given the best part of their lives to the advancement of those principles which they learned from the Baptist Young People's Union. Many of these young people have attained prominence in new fields of activity, fields that modern thought is enlarging.

The Baptist Young People's Union of Fifth Avenue contributed trained leaders to one great enterprise which is international in its aspect. Missionaries were sent to foreign fields to become pioneers in opening up China to commerce, Africa to civilized trade, and many other nations to friendly relations with the rest of the world. The religious teachings of the Baptist Young People's Union so molded these individuals that they realized that their services could be more effectively dedicated to broader fields than Huntington and West Virginia. To-day they are extending the scope and influence of the principles that are theirs. Who can say how potent this influence will become in elevating the moral and social life of the world?

From the hazy uncertainties of yesterday and the vague hopes of to-morrow we build the realities of the present. To-day we behold a vast vortex of seething, whirling humanity which to-morrow will produce greater thoughts, mightier people, and a better civilization. Who can doubt that the young people of to-day will surpass those of yesterday? Who can doubt that the resources of the Baptist Young People's Union of Fifth Avenue, in numbers, in training, in knowledge, and in enthusiasm are greater than in 1886, 43 years ago?

What great advances will be made to-morrow we hesitate to say. The boys and girls of to-day, as all youth, were born equal; but in this age of advancement and progress every child within this land must keep up a pace the like of which the world has never known. Should there be a single hour of hesitancy, a single day of doubt, another will climb into a position higher on the ladder of success.

One statement we can make with confidence, for we believe in the youth of America, and we know that they are capable and willing successors to those who went before. As the world is filled with new executives, leaders, authors, philosophers, and scholars, America will ever be a shining example of the glory of freedom of speech, thought, and religion; and the young people of Fifth Avenue will continue to bear their share of the glad burden of the world, a burden of love and of labor.

SURVEY OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a copy of the report of the Survey of the Government of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. Mr. Speaker, I present for the Record the report of the subcommittee which has been making a survey of the government of the District of Columbia. This report should dispel any thought that we have been devoting our time to the unearthing of scandals in the District government.

It is true that certain conditions have been called to our attention, but in each case we have turned the actual investigation over to those agencies of the Government that could legally conduct them. The charges against Frederick A. Fenning, one of the District Commissioners, were brought to the attention of the Judiciary Committee of the House; the traffic irregularities were placed before the Commissioners of the District; and the charges against Capt. Guy Burlingame, of the Metropolitan police department, were turned over to the United States district attorney and the corporation counsel. We have been careful not to trespass upon the province of the authorities whose duty it was to handle these matters.

We have pursued a plan of constructive suggestions in business methods and practices in handling the affairs of the District, after painstaking and careful investigation by experts. We especially direct attention to the summary of savings contained in the report, which covers the results of the entire survey. The specific departments referred to herein are those which have been covered since our former report to the first session of the Seventieth Congress.

The report is as follows:

REPORT OF THE SPECIAL SUBCOMMITTEE OF THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA

The special subcommittee of the House of Representatives Committee on the District of Columbia submits the following report relative to its studies of activities of the municipal government of the District of Columbia. Two previous reports, one dated March 4, 1927, and the other dated May 29, 1928, have been submitted by the subcommittee

describing in some detail the studies previously undertaken and recommendations made looking to an improvement in the business administration of the government of the District of Columbia.

Since the subcommittee was created in June, 1926, it has held numerous hearings pertaining to a number of the major activities of the District government. It has also made, or caused to be made, nearly 100 studies of various functions of the District government.

The subcommittee has worked in complete harmony with the Appropriations Committee. Its work has been assisted by the United States Bureau of Efficiency. The resources of this bureau were placed at the disposal of the subcommittee and it has prepared a large number of reports relating to various activities of the municipal government. The bureau also adopted a follow-up system to keep track of its own recommendations and those of the subcommittee in order that the subcommittee might be kept informed as to progress made in improving municipal administrative procedure.

The studies so far undertaken by the subcommittee or by the Bureau of Efficiency embrace the following subjects:

- I. Public schools of the District of Columbia.
- II. Fiscal relations between the Government of the United States and the District of Columbia.
- III. Taxation and assessments.
 1. Taxation of personal property.
 2. Taxation of motor vehicles.
 3. Sale of real property for delinquent taxes.
 4. Vault rents.
 5. Methods of business in the office of the assessor.
 6. Methods of business in the office of the collector of taxes.
 7. Special assessments for street improvements.
- IV. Purchasing and property control.
 1. Purchasing of supplies for the District government through General Supply Committee contracts.
 2. Property control procedure and records.
 3. Requisitioning and purchasing procedure.
 4. Revolving fund for the purchase of construction material.
 5. Disposal of condemned automobile tires.
 6. Disposal of surplus oyster shells.
 7. Specifications for fire apparatus.
 8. Purchase of lathes for the McKinley High School.
 9. Irregularities in purchasing traffic signals.
- V. Automotive transportation for the District of Columbia government:
 1. Central executive control over acquisition, use, servicing, and housing of District-owned motor vehicles.
 2. Repairing and other servicing.
 3. Distinctive tags for District-owned motor vehicles.
 4. Purchase of passenger-carrying autos out of appropriations for nonpassenger-carrying vehicles.
 5. Hire of motor trucks by the District government.
 6. Purchase of Mack trucks without competition.
 7. A consolidated municipal shop, garage, and automobile-servicing center for the District government.
- VI. The Board of Public Welfare:
 1. A business manager for the Board of Public Welfare.
 2. Water-supply system and fire protection at the District of Columbia workhouse and reformatory.
 3. Power and heating facilities at the District of Columbia workhouse and reformatory.
 4. Welfare conditions at the District of Columbia jail.
 5. Prison industries at the District of Columbia penal institutions.
 - (a) The working capital fund.
 - (b) Manufacture of automobile license tags.
 - (c) Foundry at the District of Columbia Reformatory.
 - (d) Transfer of brass foundry to the District of Columbia Reformatory.
 - (e) Enlargement of the brick plant at the District of Columbia Workhouse.
 - (f) The use and inspection of brick produced at the District of Columbia Workhouse.
 - (g) The development of laundry facilities at the District of Columbia penal institutions.
 6. Discharge gratuities for prisoners.
 7. A receiving home for children.
 8. Development of educational and vocational training activities at the workhouse and reformatory.
 9. Surplus property of the Federal Government available for transfer to the District Government.
- VII. The department of insurance.
- VIII. Issuance of motor-vehicle registration tags.
- IX. The District of Columbia license system:
 1. Business and miscellaneous licenses.
 2. Revision of the District of Columbia license code.
- X. The health department.
- XI. Location and installation of traffic-signal lights in congested areas of the District of Columbia.

- XII. Office of the director of traffic.
- XIII. Taxicab and hack control and concessions.
1. Hotel concessions to taxicab companies.
 2. Taxicab concession at Union Station.
 3. Hack inspection service.
- XIV. The free Public Library.
- XV. Office of the municipal architect.
1. Painting and decorating school buildings.
 2. Personal requirements of the municipal architect's office, 1929.
 3. Scheduling of work operations on District building projects.
 4. Preparation of drawings of District sites and of plant records of District buildings.
 5. Modifications in contract plans and specifications.
 6. Review and approval of plans prepared in the municipal architect's office.
 7. Final inspection of projects and payments to contractors.
 8. Work reports of inspectors.
- XVI. Office of the building inspector.
- XVII. The division of trees and parking.
- XVIII. Disposal of refuse.
- XIX. Acquisition of real estate for use of the District of Columbia government.
1. Condemnation juries.
 2. Establishment by the District government of a board of real-estate purchase.
- XX. Printing for the District of Columbia government.
1. Printing for the District government.
 2. Consolidation of District printing offices and of duplicating equipment and work.
- XXI. Fictitious real estate transactions.
- XXII. Extension of civil-service principles to employees of the District of Columbia.
- XXIII. Office of the recorder of deeds.
- XXIV. Office of the register of wills.
- XXV. Congestion in the police court of the District of Columbia.
- XXVI. The highway division.

Only those studies that have been undertaken since the last report of the subcommittee will be included in this report unless further progress has been made in putting into effect the recommendations resulting from earlier studies.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

The Board of Education has taken up for consideration recommendations relating to organization and administration of the public-school system resulting from the survey of the Bureau of Efficiency made at the request of the Appropriation Committees of Congress. Many of these recommendations have already been made effective; others will require legislation. In the latter class is the recommendation for warehousing of school supplies, on a railroad siding and in a suitable structure. It was considered the economical course to include warehousing of school supplies in a building under contemplation for the joint use of the Federal and District Governments in Washington. Authorization for such a warehouse building has just passed both Houses of Congress.

FISCAL RELATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The subcommittee has been interested in an equitable solution of the fiscal relations between the Federal Government and the District of Columbia. The Bureau of Efficiency in its report upon this subject (H. Doc. 506) has furnished accurate and reliable data which can and is being used in making an impartial and scientific analysis of this important subject.

TAXATION AND ASSESSMENTS

Personal-property taxation: As was stated in the last report of the subcommittee, there was a definite need for a change in the tax laws to provide more adequate means for compelling the filing of personal-property tax returns and enforcing the prompt payment of personal-property taxes. A large amount of unpaid personal taxes remained due the District government at the close of each fiscal year. Moreover, several thousand persons subject to tax failed to file personal-tax returns.

The necessary legislation to correct this situation was passed by Congress (S. 4441). This legislation gives the Supreme Court of the District of Columbia jurisdiction to compel the filing of sworn returns in cases where there is no satisfactory basis for assessment. The bill also establishes July 1 instead of the previous January 1 as the determining date for taxing personal property.

Taxation of motor vehicles: It was apparent to the subcommittee that the personal property tax on automobiles was not being paid by many car owners. The subcommittee has introduced legislation which has passed both Houses of Congress (S. 4441), which provides that motor vehicles taxable by the District of Columbia shall be assessed at their value as of January 1, and further that no motor-vehicle regis-

tration tag for any tax year shall be issued for motor vehicles subject to taxation on January 1 by the District of Columbia until the amount of such tax has been paid in full.

It is estimated that this legislation will produce approximately \$75,000 additional revenue annually.

Methods of business, office of the assessor: A number of changes in the assessor's office looking toward simplification in procedure and expedition of assessments were made pursuant to the subcommittee's recommendations. Excellent results have been obtained from these changes.

Methods of business, office of the collector: As mentioned in the last report, it was brought to the attention of the subcommittee that the collector of taxes was depositing money or checks received as revenues of the District of Columbia with local banks before such proceeds were deposited with the Treasurer of the United States. This practice was illegal, and has been discontinued. The revenues are now deposited directly with the Treasurer of the United States.

PURCHASING AND PROPERTY CONTROL

Improvements in the purchasing procedure of the District government resulting from the recommendations of the subcommittee have brought even greater economies than were at first thought possible. This is particularly true of the transfer to the General Supply Committee of the function of contracting for common supplies used by the District government. The purchasing officer of the District recently stated before the House Appropriations Committee that savings resulting from this change in purchasing procedure will total at least \$100,000 for the current fiscal year; to this should be added a \$10,000 saving reported by the District Auditor from the taking of discounts under the General Supply Committee contracts, no provision for such discounts having been made when the District government contracted for common supplies independently.

The District government has put into full effect the new system of property control recommended by the subcommittee. Among the important results is the changing of the accounts of the property yards under the control of the District purchasing office to reflect the true condition of the revolving purchase fund and to keep the fund stable.

The subcommittee has had before it on several occasions complaints that purchase specifications of the District government for special equipment and for building materials are often so drawn as to needlessly and unfairly limit competition. Specifications for the purchase of fire apparatus, wood-turning lathes, face brick, and roofing slate have been considered by the subcommittee from this point of view.

Recommendation for changes in specifications have been submitted to officials of the District government after the committee had obtained the advice of the best-informed technical experts in the Federal Government. In several instances, on the other hand, the complaints of unsuccessful bidders relative to the restrictive character of District purchase specifications have proven to be without foundation.

DISTRICT OF COLUMBIA AUTOMOTIVE TRANSPORTATION

The board of commissioners has put into full effect the recommendation of the subcommittee that the repairing of motor vehicles of the police department be transferred to the District automobile repair shop. The results of this transfer include not only the release of several patrolmen and one sergeant of police for regular police duties, but also a great improvement in the condition of these motor vehicles. This latter factor is due to the expert repairing and oiling given the vehicles at the District automobile repair shop.

In order to further reduce the heavy expense of motorization of District government activities, amounting to over \$600,000 annually, the subcommittee has made recommendations which it is believed should go far toward solving this troublesome problem for Washington's municipal government. First, a comprehensive survey of the entire subject was made, during the course of which certain objectionable practices were disclosed, called to the attention of the commissioners and at once terminated. Among these was the purchase of Mack trucks without competition under the guise of repairs.

Repairing and other servicing: The subcommittee's recommendations cover the consolidation of servicing of all motor vehicles of the District government in three well-equipped shops and adequate central control over the acquisition, use, housing, and servicing of these vehicles. As the result of these recommendations, orders have been issued by the commissioners looking toward further centralization of servicing of motor vehicles at the District auto-repair shop. Full compliance with the recommendations of the subcommittee with respect to servicing and housing of District motor vehicles will be possible upon the completion of two structures for which funds are included in the District of Columbia appropriation bill for the fiscal year 1929-30. These structures, which were recommended by the subcommittee, are (1) an addition to the District auto-repair shop which will treble the capacity of this central-servicing station, and (2) a garage to house the automotive equipment of the highway division, the trees and parking division, and other branches of the District government. Both of these structures are to be erected on Government-owned land at Second and Bryant Streets NW.—an ideal location. Thus the subcommittee feels that the problems of the District government arising from motoriza-

tion are in process of solution. The machinery for central control, recommended by the subcommittee, remains to be set up.

Distinctive tags for District-owned motor vehicles: Among minor recommendations made to obviate misuse of District government vehicles is one that distinctive license tags be made for these vehicles to clearly designate them as city owned and operated. This recommendation has the approval of the director of traffic.

The board of commissioners has in the past adopted a practice in its hiring of motor trucks for city use which the subcommittee considers improper and uneconomical. It has established a list of truckers upon whom any department might draw for trucking services without securing competition. The rates to be paid were fixed by commissioners' order for each class of truck to be hired. The subcommittee has recommended that this practice be supplanted by the seeking of competitive bids. It is believed that lower truckage rates will be secured by the adoption of this recommendation, with which District officials have stated their agreement.

THE BOARD OF PUBLIC WELFARE

Water supply system and fire protection, District of Columbia workhouse and reformatory: The subcommittee has recommended, after a survey, an appropriation to provide a modern filtration plant and clear-water storage basins at the District of Columbia workhouse and reformatory. These will furnish an adequate supply of filtered and potable water for all purposes, including fire protection. The present water service has reached the limit of its capacity due to the rapid growth of the two institutions. The subcommittee is of the opinion that such a plant is essential to the health of inmates and employees of these institutions.

Power and heating facilities, District of Columbia workhouse and reformatory: The subcommittee has recommended an appropriation for the remodeling and rearrangement of the present power facilities of the District of Columbia workhouse and reformatory by consolidating two of the existing power plants. This consolidation will result in a decrease in the cost of generating electric current, and will increase the amount of current generated to meet the present needs of both institutions, while showing a considerable annual saving over present costs. The subcommittee is of the opinion that the early remodeling of the power facilities of the workhouse and reformatory is essential to the orderly development of the industrial program.

PRISON INDUSTRIES

Working capital fund: On the recommendation of the subcommittee provision was made for a working capital fund of \$25,000 for the operation of industrial and farm activities at the District of Columbia workhouse and reformatory. This provision has made possible the employment of the necessary supervisory personnel and has placed the various industrial and farm activities on a businesslike basis. The wording of the law also provides for the payment of wages to inmates. This provision has not yet been placed in effect. The subcommittee is of the opinion that no more important duty devolves on those in authority than the immediate promulgation and payment of an equitable, graded schedule of wages to prisoners engaged in the industrial activities. The subcommittee believes that the payment of a small, graded wage to prisoners will undoubtedly improve morale by developing a proper interest and incentive in the individual prisoner, thereby encouraging good conduct.

As a result of a further recommendation of the subcommittee the working capital fund in the District of Columbia appropriation bill, 1930, has been increased from \$25,000 to \$50,000.

Manufacture of license tags in reformatory: The subcommittee has continued its interest in the operation of the automobile license-tag plant at the District of Columbia reformatory. The tags for 1929 were manufactured and delivered in ample time for issuance and the quality and workmanship were equal to the 1928 tags. This industry, aside from the saving effected to the District, has provided suitable employment for a number of inmates, and in so doing has contributed to the morale of the institution.

Inasmuch as the requirements of the District of Columbia make it unnecessary to operate the auto-tag plant at full capacity, the subcommittee is of the opinion that its excess facilities should be devoted to meeting the requirements of the several departments of the Federal Government in accordance with the provisions of the working capital fund.

Foundry at District of Columbia reformatory: The foundry established last year at the District of Columbia Reformatory following the recommendation of the subcommittee, in its development has far exceeded the expectations of the subcommittee. Not only has the establishment of this industry provided highly desirable vocational training for approximately 40 inmates, but the production for the first year is 100 per cent in excess of the anticipated production by reason of the large street-repair program. This demand will continue. Plans have been made for doubling the capacity of the plant as soon as funds are available. The subcommittee understands that as a result of its recommendation the immediate development of the foundry will include provision for the manufacture of brass, bronze, aluminum, and copper castings.

The manufacture of brick at the District of Columbia workhouse: As a result of the recommendation of the subcommittee, the District of Columbia appropriation act, 1929, provided appropriations of \$28,000 for the repair of barges and repairs to the wharves at Occoquan and Washington, and \$36,000 for reconditioning and enlarging the brick plant at the District of Columbia workhouse. The contemplated repairs and improvements are well on the way to completion and will increase production from 4,000,000 to 8,000,000 brick per year.

Already material production increases are apparent, and beginning with March, 1929, it is expected that production will approximate 700,000 brick per month. The total production estimated for the fiscal year 1929 is approximately 6,000,000 brick. This amount with about 4,000,000 brick on hand makes a total of approximately 10,000,000 brick available for the use of the District. The municipal architect has allocated over 5,000,000 Occoquan brick to building activities, while approximately 2,000,000 brick will be used in building construction at the workhouse and reformatory and in the sewer and other departments of the District of Columbia.

The subcommittee reports progress in its efforts to secure the full use by the District of all brick manufactured at the workhouse before purchases of common brick are made in the open market. The subcommittee has given consideration to the manufacture of face brick at the workhouse plant, but feels that this project should await the time when the production of common brick shall meet the full requirements of the District.

Development of laundry facilities at District of Columbia penal institutions and Gallinger Hospital: The subcommittee last year recommended that a laundry be established as one of the industrial activities at the District of Columbia Reformatory. This recommendation the subcommittee believes should be adopted without delay, not only to provide employment for the rapidly increasing number of inmates at the reformatory, but for sanitary reasons.

The subcommittee is of the opinion that prison labor should continue to be used in the new Gallinger Hospital laundry, thereby effecting a saving of approximately \$12,000 per year, and at the same time providing necessary employment for jail prisoners.

Discharge gratuities for prisoners: The subcommittee recommended that increased gratuities in addition to clothing and transportation be furnished prisoners discharged from the District of Columbia reformatory as authorized by the act of July 3, 1926. The commissioners have adopted and placed this recommendation in effect, by ordering that the regulations of the Attorney General applicable to Federal penitentiaries shall govern the furnishing of clothing and the payment of gratuities to prisoners discharged from the District of Columbia reformatory.

Surplus property: The subcommittee has continued its efforts to obtain the transfer of needed surplus property from Federal establishments to the Government of the District of Columbia. The supplies so transferred, during the fiscal year 1928, were valued at approximately \$125,000 and consisted of the following:

Automobiles, automobile parts and supplies.....	\$6,015.61
Furniture, utensils, household equipment and furnishings.....	8,654.13
Livestock.....	860.00
Machinery, tools, hardware, metals, and supplies.....	56,328.93
Clothing and occupational therapy materials.....	636.38
Surgical instruments, drugs, hospital and laboratory equipment.....	52,208.19
Total.....	124,503.24

Through the efforts of the subcommittee the institutions under the board of public welfare are also obtaining, at considerable saving, much needed furniture from the United States Housing Corporation.

Accounting system proposed for District of Columbia workhouse and reformatory: A new organization plan and accounting system for the District of Columbia workhouse and reformatory have been adopted and are being installed. Under the new plan the accounting work for the two institutions has been consolidated and centralized in one office and a chief accountant has been employed to supervise the work. Expenditures from all appropriations are now made in accordance with approved budget allotments for the several departments or activities. The appropriation and allotment accounts are practically current under the new system, the records having been written back to the beginning of the current fiscal year (July 1, 1928). The cost accounts and inventory records are not yet current under the new system, but this work is being caught up as rapidly as possible.

The new system will make available currently to the general superintendent and to the heads of the several departments information concerning the operation of their activities which they have not had before and which is essential to efficient administration.

DEPARTMENT OF INSURANCE

The subcommittee in its last report set forth its action looking toward the revision of the insurance code of the District of Columbia. Legislation to accomplish this revision has been passed by the House of Representatives and is now pending in the Senate.

The subcommittee stated in its last report that the fire insurance companies were collecting excessive premiums in the District of Columbia in an amount approximating \$600,000 annually. The Underwriters' Association of the District of Columbia has since announced a sweeping

reduction in fire insurance rates effective January 1, 1929. This action of the Underwriters' Association proved the correctness of the subcommittee's contention with respect to the then existing excessive rates. It is believed that further reductions in rates can be accomplished.

DISTRICT OF COLUMBIA LICENSE SYSTEM

Business and miscellaneous licenses: The subcommittee's recommendations designed to speed up the issuance of licenses and thus eliminate a very considerable delay in the collection of fees have been adopted, and substantial progress is reported. As of January 1, 1928, the fees collected totaled \$67,204 with outstanding fees of \$94,537 still to be collected. On January 1, 1929, the records showed collections of \$122,049 with outstanding uncollected fees amounting to \$39,692. The increase in collections for the first two months of the current license year over the corresponding period of the last year thus amounts to \$54,845—an increase of 88 per cent. It is confidently expected that a still better showing will be made during the license year commencing November 1, 1929.

Revision of license code: The subcommittee's report of May 29, 1928, stated that the suggestion had been made to the commissioners that a committee be appointed composed of the superintendent of licenses, a member of the corporation counsel's office, and a member of the Bureau of Efficiency, to prepare a revised license law for submission to Congress. This suggestion was followed and the subcommittee has received from the commissioners a draft of a bill prepared by the committee, together with a comprehensive explanation, paragraph by paragraph, of the action proposed in the bill. This bill was introduced in the House of Representatives on January 23, 1929 (H. R. 16526), and referred to the Committee on the District of Columbia. Due to the real need for such legislation, it is hoped that it will receive favorable consideration at the next regular session.

FREE PUBLIC LIBRARY

Upon the subcommittee's recommendation a bill (H. R. 16662) was passed by the House of Representatives, and is now pending in the Senate, providing for the expansion of the Public Library facilities of the District of Columbia and authorizing an appropriation of not to exceed \$2,000,000 for this purpose.

The present library facilities reach only about 100,000 readers out of the more than half million population. Many sections of the city are without library service, and very little progress has been made in the provision of branch libraries, there being only three branches and four subbranches in the entire District. The passage of this bill above referred to will go far toward correcting this deplorable lack of library facilities.

OFFICE OF THE MUNICIPAL ARCHITECT

Painting and decorating of school buildings: Upon receipt of information that the Commissioners of the District of Columbia contemplated the painting and decorating of 28 school buildings under outside contract, an immediate investigation was conducted of the cost and feasibility of having this work done by the District repair shop. It was found that it would be both practicable and economical to call upon the repair shop to execute the entire program, and the commissioners were advised to this effect. Accordingly, no contracts were let.

As of February 25, 1929, the work on 25 of these buildings has been completed at a cost of \$49,213.52. The lowest bids for these buildings totaled \$95,739, indicating a saving of \$46,525.48. The Board of Education has in the meantime decided not to paint one of the schools on the original painting program because it will soon be abandoned. The lowest bid for this job was \$5,580. This work would have been done had the contracts been let as was originally planned, therefore the total saving to date amounts to \$52,105.48. Since the two remaining schools will not be finished until the Easter holidays, the savings to be effected can not yet be reported.

OFFICE OF THE BUILDING INSPECTOR

At the request of the subcommittee a study is being made of the building inspection service of the District of Columbia. During the course of this investigation several interim reports have been prepared for the purpose of calling to the attention of the District authorities certain conditions which have arisen, due, apparently, to nonenforcement of the building code. The reasons for this nonenforcement are now being determined and will soon be presented in a comprehensive report which will contain recommendations designed to remedy the situation.

DIVISION OF TREES AND PARKING

A survey of the administration and methods of the trees and parkings service of the District government has been practically completed. The recommendations which are in process of preparation will undoubtedly point the way toward closer coordination between tree nursery production and the tree needs of the city streets, and toward more efficient and economical methods.

DISPOSAL OF REFUSE

The recommendation made by the subcommittee for the correction of the dump nuisance by incineration of all miscellaneous refuse, including street sweepings collected in the District of Columbia, whether publicly

or privately, has been followed by request for legislation authorizing the building of two incinerators.

ACQUISITION OF REAL ESTATE FOR PUBLIC PURPOSES

In order to assure that transactions relating to the acquisition of property by the District shall be conducted with the greatest possible effectiveness, the subcommittee recommended the establishment of a board of real-estate purchase to be composed of the assistant engineer commissioner charged with conducting negotiations for acquiring real estate, and the district surveyor. The recommendation proposed that the two members should jointly conduct all transactions leading to the acquisition of property, and should consult with the tax assessor regarding property assessments, sales, and fairness of offers received.

PRINTING FOR THE DISTRICT GOVERNMENT

Adoption of the subcommittee's recommendation that printing for the District Government be done by the Government Printing Office has resulted in savings, according to the District purchasing officer, amounting on the average to 31 per cent of the total District appropriations for printing, or over \$20,000 yearly. The quality of work done at the Government Printing Office for the District Government has been superior to that previously obtained from private contractors.

In accordance with the subcommittee's recommendation the District Government has consolidated its estimates for printing and the District appropriation bill for the fiscal year 1930 includes one item to cover all printing for all of the municipal departments.

Further investigation of printing for the District Government and of the production of multigraphed or mimeographed forms in its several departments has led to recommendations which are directed toward additional economies. It was found that three small printing establishments are maintained by (1) the District reformatory at Lorton, (2) the superintendent of the District Building, and (3) the police department. The subcommittee has recommended that these be consolidated by setting up a printing and duplicating branch of the purchasing office and by transferring the bulk of the printing equipment to the reformatory; it has further recommended that multigraph, mimeograph, and other duplicating equipment now scattered among the several city departments—and there only partially used—be transferred to the proposed printing and duplicating branch of the purchasing office where it may be used to advantage for all departments. By these means, and by the clearance of all requests for printing or duplicating through the practical printer in the purchasing office, also recommended by the subcommittee, it is believed that printing bills may be held to a minimum and that much printing for office use may be supplanted by cheaper duplicating processes. Further, printing as a prison industry at the reformatory will be encouraged by the acquisition of much needed equipment.

CONGESTION IN THE POLICE COURT, DISTRICT OF COLUMBIA

The subcommittee endeavored to discover the reasons for and to relieve the congestion in the police court. It found this congestion to be due largely to the presence of police-officer complainants on minor traffic cases, and approved a plan whereunder complaining officers should not be required to appear in court unless their presence is absolutely necessary. It is understood the Board of Commissioners has accepted the principle of this plan and is taking steps to make it effective. This action should reduce materially the existing congestion and confusion in the police court, and keep policemen complainants on their beats.

CONCLUSION

The subcommittee had three objects in making its study: Namely, to recommend remedial legislation whenever necessary; to recommend needed increased appropriations; and to effect increased efficiency and money savings in current operations. It is therefore apparent that the results of the subcommittee's activities can not be measured in money terms; however, the actual monetary savings effected are as follows, no estimates being included where the savings can not be fairly estimated:

Annual savings

	Recom- mendation adopted	Recom- mendation pending
Discontinuing the printing of the District of Columbia general schedule of supplies.....	\$3,500	-----
Purchase of supplies through the Federal general supply schedule instead of through contracts made by the Commissioners solely for District of Columbia needs.....	100,000	-----
Taking of discounts on purchases, which has been made possible by adoption of improved methods.....	10,000	-----
Production of carbon-copy record of purchase orders to replace press-copy record.....	1,020	-----
Discontinuance of charging for cement against special assessment jobs at prices in excess of actual cost.....	6,250	-----
Inspection of hay and payment for the quality of hay actually received.....	7,500	-----
Reduction in personnel office of inspector of asphalt and cement.....	10,000	-----
Use of printed forms in copying deeds for record in office of recorder of deeds.....	15,000	-----

Annual savings—Continued

	Recom- mendation adopted	Recom- mendation pending
Use of photostat machine for making copies of documents in office of register of wills.....	\$5,000	-----
Manufacture at the National Training School for Girls of garments for the child wards of the Board of Public Welfare.....	1,000	-----
Purchase of printed matter from the Government Printing Office.....	20,000	-----
Printing by addressograph equipment the names and addresses of real property taxpayers and the location, area, etc., of each tract on tax bills, field books, and other records.....	6,500	-----
Manufacture of additional brick at reformatory.....	36,000	-----
Production of lime at reformatory from surplus oyster shells.....	3,600	-----
Manufacture of automobile license tags at the reformatory.....	5,250	-----
Manufacture of castings at reformatory foundry.....	14,000	\$5,320
Issue of motor-vehicle registration tags by improved methods.....	1,100	-----
Installation of additional traffic signal lights in congested area resulting in relief of 6 full-time policemen.....	12,000	-----
Payment of personal-property tax on automobiles as a condition precedent to the issue of license tags.....	73,400	-----
Transfer of auto repair work for police department to District auto repair shop.....	18,000	-----
Preparation of personal-tax ledgers from original documents instead of from memorandum cards now especially prepared for this purpose.....	-----	1,000
Preparation of paint by paint-grinding machine.....	4,500	-----
Reduction of premium rates charged by fire insurance companies to place them on a parity with the average for the whole United States.....	250,000	350,000
Painting of school buildings by the District repair shop instead of under contract.....	52,000	44,000
Adoption of photostat process by office of recorder of deeds for making copies of documents.....	-----	17,000
Reduction of garbage and utilization of by-products by improved methods.....	-----	126,000
Improved methods, Division of Trees and Parking.....	-----	6,700
Assignment of prison labor to operate the new Gallinger Hospital laundry.....	-----	12,000
Payment of one-half of personal tax due when returns are filed.....	-----	48,500
Total.....	655,620	570,520

Specific savings (not annual)

	Recom- mendation adopted	Recom- mendation pending
Transfer to the District government of property surplus to the needs of the Federal Government.....	\$168,000	-----
Decrease in cost of traffic signals due to the investigation of contracts for these signals.....	11,238	-----
Total.....	179,238	-----

The item of \$168,000 was arrived at after due allowance of the amount which, based on past experience, would have been realized by the Federal Government had the surplus property been sold as was contemplated.

It will be noted from the above table that the annual savings which have been or may be realized by the adoption of the subcommittee's recommendations amount to about \$1,226,140, and that there has been an additional specific (not annual) saving of about \$179,238.

THE BURLINGAME CASE

On or about December 15, 1928, one Helen F. Blalock, a resident of Washington, and an owner of real estate, made a complaint to the chairman of the subcommittee, preferring charges of a serious nature against Capt. Guy Burlingame, of the Metropolitan police force. The charges were of such a nature that it was thought best to cause a check up to be made to determine if they were well founded. The Bureau of Efficiency was asked to do this; pending the check up the complainant went to Abilene, Tex., where she made the same complaint to Congressman THOMAS L. BLANTON, a member of the subcommittee. Acting upon the suggestion of the chairman, Mr. BLANTON secured from the complainant an affidavit covering these charges. This affidavit was in due course of time presented to the committee, Captain Burlingame was called before it, the affidavit was read to him; he was told that if a denial was made of any of the statements contained in the affidavits they would be withdrawn. He chose to remain silent, as was his right, and made no answer to these charges and made no attempt to explain them.

The subcommittee recommended to the Commissioners of the District that, pending investigation and action on the charges, Captain Burlingame be suspended. We felt that he should be treated the same as any other member of the police force against whom serious charges were preferred, and that to do otherwise would tend to disorganize and destroy the morale of the department. Captain Burlingame subsequently requested suspension, and it was ordered.

Charges were then filed against him involving conduct unbecoming an officer. A trial board was selected and he was duly placed on trial on the one charge.

Since then the complaining witness, who disappeared after her trip to Abilene, has been located and returned to this jurisdiction.

The office of the corporation counsel became active in the case, the Department of Justice joined, and the United States district attorney took up the matter. While the subcommittee has not fully let go of the case, it was decided that the regularly constituted officials should be left free to deal with the situation. Members of the committee are ready at any time to render assistance in order that the guilt or innocence of this high official of the Metropolitan police force may be speedily determined.

THE POLICE FORCE

An orderly investigation of the police force has been undertaken in response to many criticisms brought to our attention. This has been proceeding for some time. The inquiry has been hampered by publicity and in other ways. Situations have arisen at critical times which have served to defeat our efforts. We can not say that these were premeditated, but they certainly constitute a series of remarkable coincidences, to say the least.

In our opinion the rank and file of the membership of the police force are honest and faithful. They are dealing with a serious situation; modern crime is an organized business. Hundreds of millions of dollars are taken away from the American people annually. That crime is prevalent in the District is attested by the fact that during the last fiscal year nearly 100,000 arrests were made in the District of Columbia.

The undisputed testimony before the subcommittee is that 3,000 bootleggers are trying their trade daily in the capital city of the Nation. Gambling places have been run openly. The subcommittee caused a map to be made showing the exact location of scores of gambling joints, and presented the major and chief of police with a request that these places be closed. A more recent survey convinces us that the number of these places has not been materially decreased. Many have moved, but usually not out of the precinct where they were formerly doing business.

It is impossible to entirely stop gambling or the illicit trade in intoxicating liquors in a city of the size of Washington, but we are concerned that the police force, guarding the lives and property of the people of the Federal city, are honest and incorruptible. We are concerned that gambling be kept out of the departments and bureaus of the Government, where in the past it has materially affected the efficiency and morale of Government employees.

It is the opinion of the subcommittee that the entire police department should be reorganized on a scientific up-to-date basis. It must necessarily be reorganized to cope with the rising tide of crime. Any plan for such a reorganization requires study of the best system employed throughout the world. We have no right to criticize the system now in force here, with nothing to offer in its place. It is the purpose of the subcommittee, following its policy throughout this survey, to offer a bill carrying into effect our specific recommendations.

FORM OF GOVERNMENT

It is not our purpose to discuss in this report any proposed change of government for the District of Columbia. We feel it is our duty, however, to suggest a thorough study of forms of government in effect in the cities in this country and abroad to determine if the form now in effect is the most efficient that can be devised to suit our needs.

OTHER PROBLEMS

The members of the subcommittee have earnestly desired to completely conclude the survey during this session of the Congress, but we find ourselves confronted with other problems pressing for solution.

The apparent failure of justice in important cases recently tried before juries of the District have raised a storm of protest throughout the Nation to an extent, but even the honesty of individual jurors has been brought seriously into question. This whole situation, so closely related to the protection of the life, the liberty, and the property of the people of the Nation, is urgently necessary.

The lack of an adequate banking code requires careful attention.

It is necessary to break up the real-estate robberies under the guise of the law. Unscrupulous real-estate operators are taking a tremendous toll from people of ordinary means through dishonest methods.

FARM RELIEF

The SPEAKER. Under special order of the House, the Chair recognizes the gentleman from Nebraska [Mr. NORTON] for 15 minutes.

Mr. NORTON of Nebraska. Mr. Speaker and Members of the House, I appreciate the courtesy extended to me by the House in being permitted to discuss at this time a subject which is not now under consideration, and which has not been under consideration during the present session of Congress. I have reference to the farm problem. This subject was debated extensively

during the last session of Congress and may be debated even more during the next session. It involves legislation that is of intense interest to me, and likewise to the people whom it has been my privilege and honor to represent in Congress during the past two years.

During the last session Congress passed and President Coolidge vetoed the McNary-Haugen farm bill. Members of Congress strived earnestly to formulate legislation that would result in a just equalization of the economic situation as it affects agriculture. In that effort the farm problem was studied in all of its phases, and farm leaders and others in a position to furnish valuable and desirable information with reference to the subject were consulted. The McNary-Haugen bill was the result of that effort. But the President and Congress disagreed, and the bill was vetoed. Thereafter no effort was made to secure the passage of some other legislation upon which the President and Congress might have agreed, and Congress adjourned without the enactment of the much-needed legislation.

Now, we are promised that such needed legislation, necessary to solve this important problem, is to be enacted during the coming session of Congress, that Congress will be called into a special session for that very purpose. I have every reason to believe that the President and Congress will approach the subject with a sincere desire to secure a constructive and effective solution of the problem when that time comes.

That fact, however, does not excuse us for our failure to act during the session that is about to adjourn or to relieve the President and Congress from just criticism for the failure to act during previous sessions in which this question has been an issue.

Fortunately the country now generally recognizes that there is a farm problem, and that legislative assistance by Congress must be given to its solution. The farmers have convinced the Nation of the justice of their plea for farm relief. How could anyone doubt or deny the justice of their plea when he is familiar with the present situation, with the depreciated farm values, the abandoned farm lands, the increasing farm-mortgage foreclosures, the many bank failures in rural communities, and the continuous drift of our farm people from the farms to the cities of the country. Furthermore, the issue was brought more forcibly to the attention of the Nation in the late presidential campaign, wherein both major political parties and their candidates promised adequate farm legislation. It is true that that was not the first time that political parties and candidates for public office have made such promises. The difference now and in the past, however, lies in the fact that they have been able to disregard their promises in the past, and that they now know full well that they will not be able to repeat in such a venture. The farmers of this Nation know what they want; they know what they are entitled to receive; they know what they must have to endure; they know what they have been promised; and they are going to insist upon a prompt and faithful fulfillment of that contract or know the reason for the failure thereof.

What then is the legislation that is to be passed in an effort to effect a proper solution of this question and to satisfy the demands of the farmers of the Nation? As I have previously stated on the floor of the House, two lines of procedure are open, and the acceptance of either can be used as a means of aiding in the solution of the farm problem by means of legislation. That end can be achieved through the enactment of legislation which will aid in bringing the other industries down upon a lower economic level by denying to them some of the advantages which they have heretofore enjoyed or by passing laws which will aid in raising the agricultural industry to that higher level where the other industries now operate, so that the farmers may enjoy equal prosperity with the others. I realize that there will be no disposition on the part of Congress to pursue the former course, but that the latter will be the one that will be followed. That being true, the farm proposals that will probably be considered during the next session of Congress will dissolve themselves into the following classes: Subsidy bills, money-lending bills, stabilization plans, tariff revision, and surplus control legislation.

The farmers of America are not asking for a subsidy. They do not want to be pauperized by Government doles, and they would indignantly scorn the suggestion that they should be made the wards of the Government. The farmers who have supported the McNary-Haugen bill in the past have done so because they have realized, all statements to the contrary notwithstanding, that that measure did not provide for a subsidy. All money-lending bills, therefore, which would make Uncle Sam foot the bill for all losses incurred in handling the surpluses are justly unpopular with the farmers. They know full well that such measures will not deal adequately with the farm commodity marketing problem. Also, the money-lending

bills which throw all the burden of handling the farm commodities, and particularly the surpluses, upon the members of cooperative marketing associations are likewise not enthusiastically supported by the farmers because they have learned through bitter experience that it is virtually suicidal for a cooperative association to attempt to handle crop surpluses while a majority of the producers of that commodity remain outside of the organization, bearing none of the burdens, and reaping the benefits of enhanced prices. In other words, credit by itself, whether to subsidize agriculture or to aid cooperatives in the handling of their surplus products, will never solve the farm problem. That is not to say that proper credit is not necessary, for it is. Credit is not only essential, but the proper kind which will furnish money to farmers and to cooperatives upon more favorable terms will be of distinct benefit.

To some tariff revision embodies the best and the only means of a proper solution of the farm problem. The Ways and Means Committee of the House has been holding hearings almost continuously since the first of the year, and we have been told that the tariff changes and readjustments to be recommended by the committee, and later enacted into law, will be primarily for the purpose of aiding agriculture.

I sincerely hope that that may prove to be the final result, for the farmers are entitled to whatever protection and assistance they can secure from such tariff changes, to the end they may be in a better position to compete with foreign producers of farm products in the American market. Besides, if the protective-tariff policy is to be followed with reference to the other industries of the Nation in a position to benefit thereby, the same policy should be pursued in relation to agriculture.

Whatever the intent may be with reference to tariff revision, there are forces and influences at work that may cause the tariff changes to be affected to cause the farmers of this country more harm than good. If in increasing the duties on farm products the Congress also increases, out of proper proportion, the duties on the various commodities which the farmers must buy, they may discover later that the legislation which was intended to be in their behalf as a relief measure turned out to be an increased opportunity for profiteering on the part of others at their expense. Especially will that be true if no accompanying legislation is enacted to provide for the control of farm surpluses, for since the tariff by itself will not provide an effective means of influencing the price of any commodity of which the American farmers produce a surplus, additional legislation must be provided for that purpose.

We have been assured that stabilization corporations are to be provided for whose purpose it will be to aid in the control and sale of farm surpluses. That stabilization of farm prices is desirable every student of the issue will admit. The constant upward and downward change in farm-commodity prices, whether those changes be due to speculation or to other causes, is undesirable and detrimental to the best interests of agriculture.

Any legislation, therefore, that will tend to stabilize prices so that the farmers may have a better understanding of what they will probably receive for their products, whether sold immediately after being harvested or in a later market, will be of marked advantage and benefit to them. But legislation that will tend to stabilize the market will not necessarily result in an assurance of an adequate price for the commodity. In other words, a stabilized price will not necessarily be an adequate price. Farm prices may be stabilized on too low a level. In fact, it will be easier to stabilize such prices on a lower level than to stabilize them on a higher level. Therefore, stabilization, by itself, will not necessarily mean a profitable price to the agricultural producers of the Nation, and additional legislation will be necessary in order that the price may be stabilized on a proper basis.

I have already stated that the farmers will never tolerate any plan that involves a subsidy. I have also stated briefly the benefits to be realized from a proper credit system, from favorable tariff revision, and from effective stabilization. In addition other measures will probably be offered which will provide for the control and sale of crop surpluses in a manner similar to that embodied in the McNary-Haugen bill with the equalization-fee provision. We have been told in recent weeks, especially since the November election, that the McNary-Haugen bill with the equalization-fee principle of farm relief was rejected in that election, and that the farmers themselves expressed their opposition to it by voting the Republican ticket. Nothing could be farther from the truth. As everyone should know, the result of the campaign turned on other issues and not on the farm issue.

I venture to assert that if the farmers of this Nation could have expressed themselves on the farm issue alone, devoid of all other issues, they would have voted overwhelmingly in favor

of that plan of farm relief. In other words, the last election was not a referendum on the farm issue.

Whatever the plan may be that shall finally be agreed upon as the best means of solving the farm problem, if it is an effective plan—one that will result in better prices for farm products to the end that the farmers may enjoy the prosperity to which they are justly entitled—it will be opposed as every other worth-while measure, including the McNary-Haugen bill, has been opposed in the past. If it contains a provision providing for the creation of a farm board, as it undoubtedly will, it will be assailed, and it will be claimed that the legislation will result in bureaucracy. I have no desire to defend the present tendency toward centralization and bureaucracy in this country. On the other hand, I shall welcome the day when that tendency shall cease, for our Federal Government is becoming top-heavy. However, I fail to see wherein it would be wrong to have a board or bureau whose function it would be to interest itself primarily in the welfare of agriculture, in view of the fact we have such boards and bureaus for the purpose of aiding practically every other important industry. Furthermore, it is interesting to note that some of those who oppose a farm board on the ground that it would result in bureaucracy are themselves most enthusiastic supporters of bureaucracy in other fields.

Everything seems to depend upon whose bureau it is, and as to whom it is to be benefited by the operation thereof. Apparently those who so vigorously oppose the centralization and bureaucracy, which they say will result from any farm bill which would create a farm board, are not advocating that we abolish the Interstate Commerce Commission, created for the purpose of regulating railroad rates; the Federal Reserve Board, vested with authority to increase and lower interest rates; the Tariff Commission, empowered to suggest changes in tariff schedules; the Federal Trade Commission, whose function it is to investigate unfair and illegal business practices; and other similar boards, commissions, and bureaus.

If the law to be enacted will enable the farm cooperatives to gain a greater control over surplus crops, and thereby secure better prices, it will be branded as a price-fixing measure, and therefore economically unsound. There is a vast difference, however, between arbitrary price fixing and economic price influencing. There was not a provision or sentence or clause in the McNary-Haugen bill which authorized anybody or any agency to arbitrarily fix prices. Arbitrary price fixing involves the exercise of arbitrary compulsion to prevent the sale of a commodity at any other price than the one fixed by law or decree. Price influencing may secure a better price, but not a definite price. That such legislation will influence prices to the benefit of the farmers I do not deny. If it did not do that, it would be virtually worthless. If we are not going to do something to bring the farmer a better price for his products, then we are going to fail to do what ought to be done. What the farmer needs most of all is not more credit facilities but higher prices for what he has to sell, so that he can pay off some of the debts which he has already contracted, either personally or through his cooperative agencies.

The Government has already passed legislation or has created agencies which influence prices favorably for other groups in this country. We have the protective tariff whose avowed purposes and results have been to increase the domestic prices of domestic industries above the level which they would be otherwise if no duties were imposed upon imports. The protective tariff has that effect upon the prices of those farm products of which we do not produce a surplus. It is to make that tariff effective as to all farm products that surplus-control legislation has been proposed. The railroads of the country not only have price influencing but price fixing by Government decree in order to assure them of a profit. The banks have price influencing in the interest rates and rediscount rates by the Government through the Federal reserve system in order to maintain the prosperity of the banking interests in this country. Organized labor has price influencing through congressional legislation in the Adamson 8-hour law, and the various restrictive immigration acts which influence upward the wages of domestic labor by curtailing the supply of imported labor from foreign countries. No, price influencing is not a new principle in this country. If surplus-control legislation is to be rejected on this ground then the tariff act must be rejected; the restrictive immigration laws must be rejected; the Adamson 8-hour law must be rejected; the Federal reserve law must be rejected; and all the legislative proposals which influence upward the price or returns of other groups in this country must be done away with in order to be consistent.

The farmers in demanding such a plan of farm relief are not asking for price fixing, but they are asking for the enactment of a plan which will result in better prices for farm products, just as Congress has passed other laws which have

brought higher prices and larger returns to other industries and groups in this country.

If the farm legislation to be enacted will promise or indicate a material increase in farm-commodity prices, it will be claimed that the enactment of such legislation will result in profiteering. Wild charges will be made by the enemies of such legislation, and they will make all sorts of absurd predictions that the consumers in the cities will be crushed under the intolerable increase in the cost of living if such a measure be enacted. Such charges are absurd and are not borne out by an analysis of the relationship existing between retail prices and farm prices. Because the price which the farmer receives is raised does not necessarily mean that the price to the consumer of the finished product will be materially increased. Most agricultural products are processed in some way or another after they leave the farm before they reach the consumer. In many instances the cost of the raw material produced on the farm is only a small percentage of the total cost of the finished product to the consumer. Labor costs, transportation costs, and processing costs frequently amount to far more than the cost of the raw material produced on the farm. For example, in the case of bread, a recent report of the Federal Trade Commission concerning the bakery industry showed that the price received by the farmer for the wheat contained in 1 pound of bread amounted to a little over 1 cent, whereas the consumer paid over 8½ cents for the pound of bread. Furthermore, a comparison of the farm price for wheat and the retail price of bread shows that the farm price of wheat may fluctuate upward and downward to considerable extent without changing appreciably the retail price of bread.

If the legislation to be enacted will be such as to indicate an increase in prices, and therefore, in profits to the farmers, it will be contended by its opponents that it will result in overproduction. That might be true if the legislation were to be formulated so as to apply to only one product, for in that event overproduction might result in that particular product, but if the measure or measures apply to practically all farm products it is difficult to see how greater overproduction would result. The farmers of the country are now producing as much as they possibly can in an effort to secure sufficient funds with which to meet operating expenses, pay interest on their indebtedness, pay increasing taxes, and have something left with which to support their families. If better prices could be secured, the farmers could more effectively do those things without increasing their production.

Because of the opposition which it has encountered, I shall be gratified if some plan, other than the equalization-fee provision, can be thought out that will accomplish the result for which that provision was intended. But if no such substitute can be secured, I would favor inclusion of that provision in the farm bill to be enacted, in order that an effective plan for surplus control may be provided.

I realize that it has been contended that the equalization-fee provision is unconstitutional, and much of the opposition to the McNary-Haugen bill has been based upon that ground. As to that, however, students of the issue differ. Many able constitutional lawyers who have studied this proposal have held it to be constitutional. The reports of both the Senate and House Committees on Agriculture contain an imposing array of court decisions upholding various principles involved in the equalization-fee plan. It is not an unwarranted delegation of legislative power, as has been alleged. The board is merely the agency of Congress in carrying out the policy outlined by Congress and is restricted and limited by the conditions set forth as to how and when the fee is to be applied and collected. This is based on a well-established legal principle. Congress has frequently delegated power to Federal agencies. Congress does not fix the freight rates of this country but has delegated that authority with certain limitations to the Interstate Commerce Commission. Congress has also delegated to the President authority to change the tariff rates upward or downward not to exceed 50 per cent. The United States Supreme Court, in a unanimous decision delivered by Chief Justice William Howard Taft, has ruled that the authority to change tariff duties, conferred on the President by the flexible provision of the tariff act, is constitutional, because the President in changing the duties is merely an executive agent in carrying out the will of Congress according to definite principles laid down by Congress. Similarly, the equalization-fee plan would authorize the Federal Farm Board to arrange for the collection of an equalization fee as the agent of Congress in carrying out its declared policy.

Nor is the equalization fee a tax on the farmers as its enemies have charged. It is not a tax but a fee collected for the purpose of conferring upon the producers and others large benefits in the form of increased prices resulting from orderly marketing

of the surplus. This orderly marketing is made possible by the collection and use of the equalization fee. The removal of the depressing effect of the surplus upon domestic prices results in an increased price to the farmers throughout the season. As the Committee on Agriculture pointed out in its report on the McNary-Haugen bill the collection of the fee by a Government agency for other purposes than for taxes is not a new principle. An equalization fee plan was provided in the transportation act of 1920 giving the Interstate Commerce Commission power to fix rail rates so as to provide fair net profit return for all the railroads in the United States and in order to equalize the returns of the roads. Authority was given to collect an equalization charge from railroads receiving excessive returns and to lend from the fund so derived to railroads earning less than a fair return. The collection of this fee was sustained in the famous Dayton-Goose Creek Railroad case (263 U. S. 456). Many other instances in which Congress is imposing a fee which is not necessarily a tax are cited in a report of the Committee on Agriculture on said bill.

But whatever the plan may be which is to be enacted into law for the purpose of solving the farm problem, I assume that it will be one which will provide suitable credit to assist in the orderly marketing of farm products; one which will readjust the tariff rates so that the farmers may receive the protection to which they are justly entitled; one which will aid in the stabilization of prices, and in addition I hope it will provide proper control of surplus crops, so that the farmers may be assured of fair and adequate prices for their commodities. If necessary legislation is passed in behalf of the farmers, they will become more prosperous, their purchasing power will be increased, and others will benefit thereby. The farm problem is not a problem that solely concerns the farmers of this country, but a problem that concerns the Nation as a whole, and, therefore, its solution is essential to insure the future progress and prosperity of our country. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

JAMES J. DAVIS, SECRETARY OF LABOR

The SPEAKER pro tempore. Under the special order the gentleman from Indiana [Mr. VESTAL] is recognized for 20 minutes.

Mr. VESTAL. Mr. Speaker and ladies and gentlemen of the House, I desire to ask the indulgence of the membership of the House for a few minutes to pay my tribute of respect to one of our public servants. The business of the House keeps the Members so occupied in attending to legislative matters that we too often fail to note our appreciation of the work of many distinguished men and women until they have passed to the great beyond. I desire to call the attention of the House to the services of a member of the Cabinet. Just now our country enjoys a state of industrial peace and good will such as it has probably never known before. This condition does not just happen to obtain. In fact, things do not "just happen" in this country. They are made to happen by policies of our Government. The industrial peace we now enjoy has been brought about to a large extent by the masterful manner in which this Cabinet officer has handled the affairs of his office. I feel we owe a debt of gratitude to this man for the conspicuous services he has rendered the Nation.

His life is a romance in itself. In a few more days he will have rounded out a political career remarkable in its way. It is given to few men to have sat in the Cabinets of two Presidents of the United States and to have served both with such outstanding ability. His life and his character are most remarkable illustrations of what America means to the boy or the girl who really desires to make a name for himself or herself. The man to whom I refer is the Hon. James J. Davis, Secretary of Labor.

Forty-eight years ago he came here an immigrant boy. Forty years later he himself was in charge of our immigration. The whole story of his ability, his energy, and his character is told in that single, striking fact. This fact illustrates another thing. It is an object lesson to all immigrant boys that America is the land of opportunity and shows what any raw immigrant boy can do if he has the will to work.

Secretary Davis was born in the mining and iron town of Tredegar, South Wales. I have heard him remark that he was born in the thick of a strike. He entered the Cabinet in the midst of strikes; and for eight years he has been smoothing out differences between capital and labor all over the country, and has done his job so well that for the past few years we have had but little disturbance except the minor disputes and differences of opinion natural to men in their search for gain. Many more serious controversies the Secretary has been able to settle before they broke. He saw them in time and stopped them.

He gets this foresight by right of inheritance. His grandfather, skilled in the family occupation for generations—that of iron worker—was called to Russia as an expert to aid in establishing the first blast furnace in that country. Later he came to this country, to Maryland, to lend his experience in building the early furnaces here. In America he was quick to see the boundless possibilities of the future and strongly urged his son to try his fortunes here. The father of Secretary Davis acted on that suggestion and came to America to find a job and prepare a home for his family. When it was safe he sent for them. I have heard the Secretary tell that when the day of their exodus came, he had to be dragged from under a bed where he had hid himself because he did not want to leave his home.

Young Davis was 8 years old when he came to America with his mother and five other children, one of them a babe in arms. They came in the steerage and landed at old Castle Garden in New York. The city staggered them with its size and they soon became acquainted with one of its peculiarities. A thief got away with much of their baggage, including a feather bed highly prized by his mother. In Wales a feather bed is a mark of standing and affluence. To the immigrant mother it still had that value in America. The theft of it was a tragedy to her and while she tried to find it, two of her children were lost for several days and most of the family savings had to be spent before they were found. At last the brood was gathered together and boarded the train for Sharon, Pa., where the father was waiting to welcome them to the home he had prepared for them.

There the Davis boy lost no time in showing his mettle. He had in his soul "that something" and proceeded to make it work. They put him in school and in Sunday school, but they could not take all his time and energy. Before he reached 11 he had tried his hand at a dozen things. The hotel keeper in Sharon supplied his house with milk from his own cows. Davis hired himself out to drive those cows to pasture at \$1.25 a month. He carried papers. He blacked boots. He went about town ringing the bell for auction sales. He delivered telegrams. He turned his hand to everything that would add some little to the family income. He was the all-around chore boy of Sharon; but all the while he was learning something. He was learning what a lot of chances there are to earn a living and to get ahead in this new America he had come to, and he was making the most of those chances.

For generations the Davises in Wales had been skilled workers in iron. Davis's father was one. It was in the blood and the blood soon spoke in the boy. It took any amount of persuasion, but the boy obtained permission to find employment in an iron mill. At first he sorted nails and wore his fingers bare. Next he got a job as helper to a puddler. At the age of 16 he became a journeyman puddler himself, and a full-fledged member of the union. I believe at that time there were only four or five boys of that age in the United States who were union members.

By the time of the 1890's Davis had become a crack craftsman at his job of iron puddling—but hard times were coming on. The iron industry was badly hit. Nothing daunted, Davis set out to find employment wherever the little that existed was to be found. Often the job he heard of was at some distance, and he had no money to travel. So he allowed the railroads to have him as a guest aboard the brake bars, or in the box cars or the caboose. At one time he was in Birmingham, Ala., and when the mills closed there, he went to Louisiana and cut sugar-cane and drove mules in building a levee. But all the while he was learning that there is work to be done in America, provided you go after it. And Davis was never the man to sit down and wait for a shutdown mill to reopen. He went where the mills were going.

Finally the slack times of 1890 to 1893 hit the iron industry especially hard, but the pioneering minds thought it as well for this country to make its own tin plate instead of buying it from foreign labor. Tin-plate mills were being built and the McKinley tariff gave them protection and a start. Davis saw a better chance for steady work in this new industry and obtained a job in Elwood, Ind., in my own district. And there it was that I became acquainted with James J. Davis, when we were both young fellows around 20 years of age. I remember him yet as a black haired, blackeyed, muscular young man seeking a job. Elwood was one of the crossroad towns of Indiana that sprang up out of the fields over night as a result of new industries, and the fact that Elwood industries were able to run when hard times had closed nearly all the others. The Indiana industries had one great advantage—cheap fuel—natural gas. This fact had much to do with determining the location of the first tin-plate factory in America.

The new tin-plate works were close to the farms owned by my father and brothers, and we were all interested in seeing these new wealth-producing industries open up. It was a day long to be remembered when the sainted William McKinley, himself, came there to dedicate this new mill—the industry he believed would profit, along with every other, under his protective-tariff principle. Great crowds came from all over the State to witness that significant ceremony. Outwardly, it was the opening of a tin-plate mill; in reality, it was the opening of a great era of prosperity. McKinley took the country at the lowest ebb in its economic history. He left it five years afterwards at the highest peak of prosperity it had ever experienced up to that time. I dwell on that striking ceremony because Davis and I have always felt as if we had a personal hand in starting the country off on a fresh burst of speed!

If my colleagues will permit me to reminisce for a moment, I might say that Davis and I were both employed in this great tin-plate factory—he as a roller and I as a pickler—and we became great friends. His ambition always was to do his job a little better than any one else doing the same sort of work. If the mill was down during any of the summer months, he did not loaf around waiting for it to open, but went on the farms of the adjoining countryside and labored there until they started up again. We all knew that such a fellow would get on in the world. He was a leader even then, as if born to it.

He was soon in the higher councils of the tin workers' union. It seemed to me marvelous the way he handled ticklish questions in the new industry, adjusting wages, working conditions, and disputes. It was said among his fellow workers that he could run off backward the wage rate of every one in the tin-plate industry. Others had to go over the wage-scale books; Davis had them at his finger tips. The man already was thorough. He knew the men as he knew the business—worked with them, lived with them. And he had their unbounded respect. In the great strike of 1896 he was instrumental in obtaining a successful adjustment.

One other thing appeared to be in this man's blood—a gift and a love for politics. They early made him one of the leaders of a large delegation from Elwood to Canton, Ohio, to pay respect to William McKinley. Davis and I both cast our first vote for the martyred President, by the way. The next I knew, young Davis, hardly more than of legal age, was running for city clerk of Elwood. He always had been popular in the community, and it goes without saying that he was elected, with only a few votes against him, if I remember rightly. In fact, his success was so sweeping that it wholly obscured the opposition he had to encounter. The opposition grew out of a story worked up by his political rivals to the effect that as only a mill worker he could not possibly have the necessary education to be city clerk. It was even said that he could not read or write, not to say cipher. To answer this sort of opposition Davis took a blackboard with him wherever he made a speech, and asked any school-teacher in his audience to give him a sum to do or a sentence to write. He rang the doorbell or knocked at the door of every home in Elwood, and while the other candidates for the office sat back and issued confidence statements as to their certain success, Davis got out and did what he has always done, he worked. Perhaps that accounts for the fact that only four votes were rung up against him.

After four years as city clerk he was next elected county recorder of Madison County, one of the responsible positions in county and State administration in Indiana. But even then he never allowed success, political or otherwise, to turn his head. He knew how to be a friend and he had his friends in plenty. He never forgot one. In the hard times of the early nineties he shared his money, his food, and even his clothes with those who were harder hit than he.

One instance of his helpful friendliness comes home to me. At the time I was candidate for the office of prosecuting attorney in Madison County but because of illness was unable to attend the convention. However, my cause was not neglected. Davis was there to champion the interests of his friend. He led the fight in the township and county and did yeoman work in helping me to win the election.

After four years as county recorder he retired from political activity in Indiana, refusing a renomination at the hands of his party. The reason was that he had another and better job. It was characteristic of him to see his real opportunity wherever it showed itself, and Davis had recognized it in the work of building up a fraternal organization, the Loyal Order of Moose. Here again I watched his work at close hand, because in those days I served as general attorney and counsellor in this order. Fortune had cast before Davis one of the great and absorbing interests of his life, and he knew it. When he took over the fraternity it was a dying organization reduced to 246 members. He became the two hundred and forty-seventh, and lodge No. 1

was organized in my own city. It was a bleak prospect to revive a body so close to extinction, but Davis set to work with his characteristic vigor and energy. By then he had gained a wide knowledge of the country from his roving, and with it a wide acquaintance and popularity. These things both served him. A born organizer and leader, success was certain. It called forth his every instinct, the instinct to help, for he is intensely human.

The whole story of Davis's work with that fraternity is told in the fact that it now has a membership of well over 700,000, with financial resources above \$30,000,000. Out of the enthusiasm and energy of this one man the institution has been rebuilt and made what it is. He fired others with his own faith and optimism. At this time the organization he has built is among the most active and prosperous of them all. The Home for Aged Members, in Orange Park, Fla., and the great home and school, city of Mooseheart, founded by Davis, where the Moose fraternity is training and educating more than 2,000 orphaned children, are but two of the beneficent activities of this organization; and already Mooseheart ranks as one of the great and model educational and philanthropic institutions of the country.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. VESTAL. It was this swift and outstanding success as an organizer that attracted to Davis the attention of President-elect Harding as possible timber for the position of Labor Secretary. Few others had anywhere near his qualifications. He was still a member of the union he once served. He had an unrivaled acquaintanceship among men of all ranks, employers as well as employed. He had experience in handling large affairs. He was the custodian of great funds intrusted to his care, and on his own account he already was a business man and an employer. The combination seemed ideal, and the new President was quick to see it. And another opportunity for service offered itself to Davis. He was prepared to meet it.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. I will be glad to.

Mr. JOHNSON of Washington. I would like, in the gentleman's time, if the gentleman will permit, to pay a brief tribute to Secretary Davis for his handling of the new quota laws, undertaking a new thing—the closing of the immigration gates—and for his carrying out of the purposes of the 1921 and 1924 acts in a most efficient manner under the greatest difficulties. We of the Immigration Committee have had great benefit from the suggestions of Mr. Secretary Davis. I thank the gentleman from Indiana for what he is now saying.

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. PURNELL. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for three additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. VESTAL. How well the choice has been justified, succeeding events have proven. Two Presidents have kept him in their cabinets against his repeated wishes to retire. Organized labor, at first fearful that Davis had cooled in his attitude toward labor, are now among his stoutest supporters and capital praises his fairness. Our national industry, largely because of his unceasing efforts to spread good will and the spirit of partnership between employer and worker, now enjoys its present unprecedented peace and contentment.

We little realize what an undertaking it was to bring about this peace and contentment in the industrial world. In 1921 when the Republican Party came back to power it found the country paralyzed in the worst business recession since 1893, and with nearly 6,000,000 out of employment. But Davis is a genius at salesmanship. We went up and down the land preaching the simple fundamentals that lead to prosperity. His slogan everywhere was "The way back to prosperity is to work your way back." He literally sold the country this idea of work. His plea to employer and worker wherever he went was to pull together, to forget old rancors, to pool their common interests in a single partnership for business success. Selling the idea of work and burying the hatchet of industrial discord, however, were only two of the elements which contributed to the success of the administration of Secretary Davis. A believer in tariff on merchandise to protect American industry, he also believed in the principle of protection for labor from the unfair competition of low-paid alien labor. The first immigration law seeking to restrict the number of aliens permitted to come to America was very difficult in actual operation. We recall the

tales of hardships arising from the separation of families, racing steamers, and so forth, and thousands being turned back at ports of arrival after they had disposed of their homes and journeyed across 3,000 miles of ocean. We no longer hear these stories, because things have been smoothed out, thanks to the energy and foresight of Davis. When we passed the selective immigration law, it was said that foreign governments would not let the United States examine and select immigrants before they left home, but through Davis's persistence this is now done in all of the larger immigrant-sending countries. In other words, in the administration of the immigration law he took what appeared to be an impossible situation and made it one which now has nothing but commendation not only by our citizens but by the aliens. He has raised the dignity of citizenship by a strong administration of the naturalization laws and the furtherance of Americanization education.

Business and home affairs of the Nation have equally benefited from the executive ability of this Secretary of Labor. At the head of the Housing Corporation he was the manager of the Government Hotels in the Nation's Capital, where 1,800 women workers of Uncle Sam were housed and fed; he operated the ferries of Norfolk, and in doing so improved the service and changed the color of the figures on the balance sheet from red to black. He has profitably disposed of much war property and rented other of it.

By his efficient administration of the Children's Bureau, official reports show that infant mortality is lower and maternal deaths fewer. Especially is this true as to rural aid, in the sending out of a completely equipped clinic, known as the baby special to places where otherwise aid and instruction in maternal hygiene would be impracticable. In addition, health centers, in many communities have been established with the cooperation of the Children's Bureau. Industry has been made safer, more comfortable, and more satisfactory for women; their interests safeguarded in factories and other places where women, in our present scheme of living, find employment.

Another great bureau under the administration of the Secretary of Labor, of which record he may well be proud, is the Bureau of Labor Statistics. The accuracy and currency of the figures and facts compiled by this agency under Mr. Davis have been accepted wherever these factors are essential. He has for the past eight years been chairman of the Federal Board for Vocational Education. Always interested in education, and particularly in that phase of it which fits men for lives of useful service, he has carried the spirit of his interest into the work of this board and extended its usefulness into new and many fields.

It is hard to say which of the two achievements that stand to the credit of Mr. Davis is the greater. He built up, first, a great benevolent fraternity to bring sweetness and help into the Nation's social life. Through the administration of his Cabinet office he has helped materially to build up a new national spirit in the industrial and economic world, instrumental in bettering the Nation's material life. Either achievement would distinguish any man.

Now, he is about to turn his back on further political activity, although it is rumored that he will be retained by the incoming President. If Mr. Hoover exercises the good judgment we know he has, he will persuade Mr. Davis to continue in the office he has managed so well for the past eight years. In the words of Uncle Joe Cannon, "He could go a great deal further and do a mighty sight worse." But if he does leave the Cabinet, I hope it is to mean a return to his benevolent work. Throughout the double term of office he has never relinquished his interest in Mooseheart, the project that grew from bitter experiences in his youth. In the days when he was the iron puddler, it was often the sad experience of Secretary Davis to witness the fate of some neighboring family when accident at the mills had crippled or killed its chief bread-winner. He saw wives made widows, with broods of tiny children about their knees and with no means of support. He saw these children tossed out into the world to work at an age when they needed to be learning their A B C's. What chance had they in life, he was left to wonder? He saw brothers separated and thrown into ways of life so far apart that they never saw each other again. It was then that Davis resolved some day, when he was able, to establish a refuge for such unfortunates. The result is this city of homes and schools at Mooseheart, where orphans of the members of this organization, similarly robbed of parents and prospects, are given an opportunity with the best of us to win their places in the world.

Mr. PURNELL. Mr. Speaker, will the gentleman yield there for a minute?

Mr. VESTAL. Certainly.

Mr. PURNELL. I wish to say that I heartily indorse all the sentiments the gentleman has expressed. If I may, I

should like for myself and my district to get a little of reflected glory by saying that for a short time Mr. Davis lived in the ninth congressional district of Indiana. [Applause.]

Mr. VESTAL. In addition to his achievements as Secretary of Labor, and as organizer of a great fraternal endeavor, James J. Davis also takes rank as an educational force. He has made a great Secretary—always kind and courteous to Members of the House and Senate—always willing and anxious to help them with any problem touching his department. He may be justly proud of the esteem in which he is held by the Nation; but there is yet another glory that is his. To-night, in Mooseheart, 2,400 orphaned children will kneel beside their trundle beds and say their prayers for the man who has made it possible for them to have a home and to receive an education that will fit them for the battles of life on even terms with the more fortunate children of America. Where else can we point to a life more widely rounded out in good and helpful work for humanity? Now, at this milestone in such a career it seems to me we ought to pause in our busy lives to pay due tribute not only to the achievements of the Secretary of Labor but to our good friend, familiarly known as Jim Davis! [Applause.]

Mr. COLE of Iowa. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. COLE of Iowa. As a friend and admirer of Secretary Davis I want to thank the gentleman from Indiana for the fine address he has given us. It is to me a classic in the form of a personal tribute. The life of James J. Davis is indeed an American romance. It presents the opportunities and possibilities that underlie American life. I wish that every boy and young man could read the story of that life as Mr. Davis himself has written it, *The Iron Puddler*, a book that reminded me of the immortal autobiography of Benjamin Franklin. [Applause.]

SPECULATION AND ITS EFFECT UPON INDUSTRY

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short editorial from the *Manufacturers Record* on the subject of the Federal Reserve Board.

The SEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing an editorial from the *Manufacturers' Record* on the subject of the Federal Reserve Board. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD I include an editorial from the *Manufacturers Record* dealing with the warning of the Federal Reserve Board on February 6, 1929, entitled "Speculation and Its Effect Upon Industry—A Remedy Suggested," of date February 14, 1929, which is as follows:

SPECULATION AND ITS EFFECT UPON INDUSTRY—A REMEDY SUGGESTED

The Federal Reserve Board, on February 6, issued a solemn warning to the country. It declared that "the extraordinary absorption of funds in speculative security loans which has characterized the credit movement during the past year or more, in the judgment of the Federal Reserve Board, deserves particular attention lest it become a decisive factor working toward a still further firming of money rates, to the prejudice of the country's commercial interests." It then stated that the resources of the system are ample for meeting the growth of the country's commercial credit needs, provided they are competently administered, and it added: "The Federal reserve act does not, in the opinion of the Federal Reserve Board, contemplate the use of the resources of the Federal reserve banks for the creation or extension of speculative credit. A member bank is not within its reasonable claims for rediscount facilities at its Federal reserve bank when it borrows either for the purpose of making speculative loans or for the purpose of maintaining speculative loans. The board has no disposition to assume authority to interfere with the loan practices of member banks so long as they do not involve the Federal reserve banks."

This solemn warning, which immediately depressed the security markets, was addressed not to speculators but to the great member banks. No corporation can procure reserve credit. Reserve credit can be got only by member banks. They have used the facilities which have been granted them by law. There are cases where a single member bank has used more than a hundred millions of reserve credit at one time, while a heavy lender in the call market. It is these banks that the Federal Reserve Board hold responsible for the extravagant credit conditions in New York, and it is these banks, apparently that the board intends to discipline.

The Federal reserve act declares that the reserve banks may—not must—rediscount. For many months past the trans-Mississippi reserve banks, using the authority apparently conferred on them by the use of this word "may," have simply declined, in many cases, to rediscount for banks that were lending money on call in New York. By this method these trans-Mississippi reserve banks were enabled to keep their basic rate down to 4½ per cent as against the 5 per cent rate

in New York. What the board evidently intends to do, whether it says so publicly or not, is to extend to the East the practice which has been so prevalent and so successful in the trans-Mississippi territory.

It will be noted that the board specifically stated that it objected to the "further firming of money rates" on the ground that it would imperil the country's commercial interests.

The board obviously is against high rates. It has been clear for some time that the board has only sanctioned high rates because of the orgy of speculation. There has been nothing in the statistical position to justify high rates. There has been no such demand for credit from industry as to justify high rates. There has been one justification for them, and one justification only, namely, the hope that they would serve to keep speculation within moderate limits.

There would be little possibility of a member bank abusing its rediscount privilege were rediscounting confined to eligible commercial paper, as the reserve act originally contemplated. In order to finance the war, the act was amended so as to permit member banks to borrow on their own 15-day notes, using Government securities as collateral. It was formerly pointed out in these columns that this, in effect, makes the public debt the basis for credit expansion and permits the abuses against which the reserve board now complains. If the right of the reserve banks to refuse to rediscount is acquiesced in, this 15-day privilege would lose much of its importance, otherwise the great member banks actually control the money situation and the Federal Reserve Board can do little more than make gestures.

We think the board is entitled to every commendation for the effort it has made to protect legitimate business; but even that commendation must be predicated on the assumption that the board is right in assuming that control of speculation is within its functions. There were three classic methods whereby the board could control the market; to sell securities in the open market, to raise the discount rate and to permit the exportation of gold. It tried all three and all three failed. They failed because as fast as the reserve banks took credit out of the market the great corporations, having surpluses, put it back again. Where once banks furnished virtually all the call money, the corporations and outsiders now furnish almost half of all brokers' loans. On February 6, of a total of \$5,669,000,000 of brokers' loans \$2,621,000,000 were "for others," meaning that that amount of money was being provided from sources outside the banks, chiefly corporations, investment trusts, etc., etc.

In 1920, in a somewhat similar "extravagant situation," Governor Harding and the Federal Reserve Board demanded and got legislation authorizing the reserve banks to charge graduated rates, on the plea that this authority would be used to penalize heavy borrowers in the financial districts and to relieve the stress in the agricultural districts. But the power was actually used in just the contrary way. The graduated rates were never made effective except in those reserve banks serving agricultural districts. But, in 1923, this authority was repealed, else now the reserve banks might handle the situation by using a graduated rate.

What, then, is the actual situation? Hundreds of millions of corporate funds are withheld from productive purposes and are loaned in New York. The high rates have failed to achieve their purpose. Instead of preventing a speculative orgy, they have actually encouraged it because it is the high rate paid for call money that has made it profitable for corporations to lend their surplus funds on call. To raise the rates again will simply be to accentuate an already bad situation and to attract more and more money to New York. There is no hope in high rates. They force Europe, just beginning to get back to normalcy, to raise rates over there and thus penalize industry at the very moment when it needs and must have stimulation. High rates tend inevitably to enhance the value of gold everywhere, and that is only another way of saying that they tend to force the commodity price level down, bringing about depression instead of prosperity and leading ultimately to a revision of the wage scale and a general loss of all the progress made in advancing the standard of living. The Federal Reserve Board virtually admits this. To all intents and purposes, it confesses that in order to control stock speculation, it has for more than one year been actively penalizing business, such penalization having now reached the point, where, if persisted in or aggravated, it might well bring about, and would almost certainly bring about, a trade depression in this country and in the whole world.

That this Nation, in a time of profound peace, when its wealth is so great that it is almost inconceivable, with a supply of gold unprecedented in relative or absolute value, should be given credit only at an artificial and devastating rate is not a blunder; it is a crime. It is not only a crime against the people of this country but it is a crime against people everywhere, and particularly is it a crime against the hewers of wood and the drawers of water.

It has been demonstrated that the high rate is an abortive cure. But there must be some cure. There is, and it is a very obvious one. Instinctively, we are opposed to any arbitrary grants of authority. But, if there is in fact an excessive use of credit in speculation, and if in fact the volume of this credit must be controlled, then by all means let

it be controlled not by the rate but by some more or less arbitrary determination as to the volume of reserve credit that will be extended on Government securities. There could not be any undue use of reserve credit that was based on eligible paper only, because such eligible paper measures thoroughly the legitimate needs of commerce. But that reserve credit which is based on Government securities is a credit arbitrarily granted and therefore the use of it could of right be arbitrarily controlled. It is the key to the whole situation. If it is not controlled there is going to be a very formidable movement in Congress for the repeal of the war-time amendment that permits the practice and that, we think, by reason of the fact that so much of this sort of credit has become inextricably frozen into the credit system, might well be disastrous.

A master solution is required and, as usual, because it is a master solution it is a simple solution. The basic rate should be reduced to 4 per cent and probably stabilized at that figure. The reserve banks everywhere should then pursue the policy which has been followed for many months past in the trans-Mississippi territory and, while never declining to advance credit on eligible commercial paper, should be most careful in all credit granted on the member banks' 15-day notes, collateralized by Government securities. In this way an excessive use of reserve credit in the speculative markets could be absolutely prevented. But another objective of almost equal importance would be obtained. The hundreds of millions of corporate funds now lent on call are lent on call because it is remunerative for them so to be employed. Were the incentive of profit removed by a lower basic rate in New York the greater part of this money would have to look elsewhere for profitable employment.

Much of it ought automatically to go into business enterprise. So great a sum of money put to productive uses would stimulate employment and commerce all over the country, and would be an absolute assurance of prosperous months ahead. But the proposal is not ours. It has been made, in private, by some of the foremost financial authorities in this country. They admit it would be a Napoleonic coup, but Napoleon got results.

The country fears the financial situation. It is afraid that a few men, shut up in that cold, damp Treasury Building, are frightened by statistics. The enormous increase in our wealth may make them nervous. Perhaps the financial system was not formulated to be capable of handling any such volume of business as is now normal in this country. Men talk of the tremendous amount of credit in the market. There is less money lent per unit of investment on securities in this country to-day than in any period of its history. The average margin account is probably about 50 per cent. That means that people who buy stock pay immediately one-half their cost. In the old days, on a sound stock priced at \$100 it was considered quite safe to pay \$20 cash and to borrow \$80. Unit for unit, there is less money lent to-day on securities than ever before. Now, if our wealth is expressed in such vast figures that even comparatively low loans on the volume of securities constitutes so great an absolute sum that it imperils the smooth functioning of the financial system, then it is the financial system, not our business system, that needs revision. This world, and this country particularly, will never consent to have its progress held back and absolutely measured by the volume of gold that may happen to be in existence or be mined. Gold is not our wealth; it is a mere symbol of wealth. Certainly it is not our commerce that is obsolete and it may well be that it is the financial system, not our method of doing business, that lacks modernity.

To control stock speculation by breaking down values all over the country would be to provide a cure worse than the disease. The continuance of high rates will be ruinous, as the reserve board itself intimates. Therefore, there can be only one sound policy. A method must be found to reduce the rate for legitimate business and business men everywhere should insist that such a method be found.

MISSISSIPPI'S CONTRIBUTION TO OUR COUNTRY

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a speech made at the Mississippi Society night before last. I know it is a good speech, because I made it myself.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his own remarks in the RECORD. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker, acting upon the unanimous consent of the House to extend my remarks, I am giving something of a repetition of my address to the Mississippi Society on Mississippi's Contribution to the Military and Civil Services of our Country.

In every worthy civilization love of country has been a fundamental virtue. Without the patriotic loyalty of its citizens no country can have or ought to have either length of endurance or glory of achievement. As a pious devotion patriotism has always gone hand in hand with religion.

Breathes there a man with soul so dead
That to himself he hath not said.
This is my own, my native land,
Whose heart hath not within him burned
As home his footsteps he hath turned
From wandering on some foreign strand?
If such there be, go mark him well,
For him no minstrel raptures swell.
Proud though his title, high his name,
Boundless his wealth as wish can claim,
Despite his titles, powers, and pelf,
The wretch concentered all in self
Living shall forfeit fair renown,
And doubly dying shall go down
To the vile dust from which he sprung
Unwept, unhonored, and unsung.

Yet I am not sure but that the elemental factor in it all is local patriotism. One loves his home—his home town, his home county, his home State, and finally his country, of which these are a part.

These local attachments bind people together in smaller groups which, by union, make up the larger unit called our country.

This assembly comes together to-night bound by that close tie which unites us as Mississippians dwelling for the time in our National Capital, but rejoicing in a common love for our own State, and a common pride in her great men and women, her great spirit and her great achievements present and past. For at last the true greatness and the just pride of any State lies in the people it has produced, and in the spirit they have shown, and in the service they have rendered.

From her territorial days Mississippi began to produce citizens, soldiers, and statesmen who commanded nation-wide admiration.

Glance first at her record of service in Army and Navy. While our State was yet a Territory our country suffered the misfortune, not to say the disaster, of the second war with England. The enemy had not only invaded our borders but had reached our Capitol and set it on fire. To say the least, the conflict was bringing little glory to our arms. Discouragement and humiliation prevailed to such an extent that people in New England alarmed for their commerce and fisheries, were meeting in the Hartford Convention and discussing the matter of disrupting the Union by secession. One of the ablest and most learned of New England Congressmen has expressed to me the opinion that the people of his section would have seceded at that time had not "Old Hickory" Jackson won the battle of New Orleans, sending a thrill of courage and enthusiasm to their doubting hearts. So it seems an interesting fact that a great southern general won a signal victory and saved the Union.

But we of Mississippi rejoice especially in the fact that next to the name of Andrew Jackson comes the name of Thomas Hinds, who, with his fellow Mississippians, met the shock of the famous Scotch troops and did more than any other regiment to turn the tide of battle and give victory to the American forces.

Again in the war with Mexico Jefferson Davis, with his Mississippians in their famous V formation, turned defeat into victory at Buena Vista, and later it was a Mississippian who planted the American flag on the ramparts of the Montezumas in the City of Mexico.

In the tragic War between the States Mississippi sent to the front her full quota of brave men and gallant officers. It would take more time than can be given in this brief address to even mention the Confederate generals whose names are a credit to our State. They are known, loved, and honored by all our intelligent citizens, and any tribute that I might pay them here would contribute nothing to the facts of history and add nothing to their renown. It may be worth while, however, to remind you that Nathan Bedford Forest, whose dash and strategy has commanded the admiration of military critics the world over, may be justly claimed as a Mississippian. He had moved from Hernando to Memphis, Tenn., just before the Civil War began.

In the recent World War we can again claim our full share of the service and the glory.

Gen. P. D. Lochridge, of Itawamba County, was Chief of Staff of the American section of the Supreme War Council in France.

Gen. Fox Conner, a native-born Mississippian, held the important position as Chief of Operations on the staff of General Pershing. General Pershing's senior aide was the late Maj. John G. Quekemeyer, of Yazoo City, Miss., Maj. Gen. Henry P. McCain, of Carrollton, Miss., was The Adjutant General of the Army at our entrance into the World War, but was later assigned to the duty of training a division of combat troops for duty in France. Maj. Gens. Walter H. Gordon, now de-

ceased, and Beaumont B. Buck were native-born Mississippians, and commanded divisions of combat troops in France with distinction. The Governor of the Canal Zone during the war was Gen. Chester Harding, a native-born Mississippian, and Gen. Robert K. Evans, another Mississippian, was taken from the Army retired list and assigned to the command of the Philippine Department during the war. One of the early casualties among field officers was that of Lieut. Col. R. J. Maxey, a native-born Mississippian. When mortally wounded, Colonel Maxey asked that he be taken first to his brigade commander to enable him to give first-hand information regarding the progress of the fight. Sergt. William Norton, of Mississippi, leading a detachment of Company I, Eighteenth Infantry, brilliantly repulsed a German raid, and as a result of this exploit was one of the first enlisted men to be decorated for bravery on the field of battle. Sam Coye, of Columbus, Miss., was one of our foremost aces during the air fighting incident to the World War. He was decorated for the success and brilliancy of his air fighting. Col. Troy Middleton, of Meridian, and Col. E. G. Peyton, Columbus, were decorated for the successful manner in which they trained and commanded their regiments in action.

But before leaving the subject of Mississippi's great men in the Army, let us remember Colonel Burgess, of Starkville, now Governor of the Canal Zone. I met him in Balboa a short while before he became governor, and was told there that he was perhaps the ablest and most influential man in the zone, and that he was really the man who ought to succeed to the gubernatorial chair.

In the Navy, three Mississippians hold the rank of admiral. They are Admiral Magruder, of Vicksburg; Admiral Leigh, of Panola County; and Admiral Dismukes, of Noxubee County. Leigh received the distinguished-service cross for his gallant and effective fight against the submarines, and Dismukes received the same honor for his remarkable skill and bravery in getting back to port with the *Mount Vernon* after she had been torpedoed by a German submarine. Thirty-seven men were killed by the explosion of the torpedo, but 1,300 more were on board and their lives were at stake. The successful rescue of this vessel and the brave boys on board was an act of skill and courage which entitles this brave Mississippian officer and his coworkers not only to the gratitude and admiration of all true Americans but to a permanent place in American history.

Thus we see that Mississippi has contributed her full quota of the brave men and gallant officers who have given or sacrificed their lives to the defense of their country.

But "Peace hath her victories more renowned than those of war." Let it be remembered that from the time of our admission into the Union we have been sending men to Washington who have won honor for their State and contributed generously to the public weal. A distinguished Washingtonian said to me, "It has become proverbial the strong men that Mississippi sends to the National Capital."

In the early period of our statehood came S. S. Prentiss, prince of American orators. We gave worthy and distinguished Cabinet members to the administrations of Pierce, Buchanan, and Cleveland, in the persons of Jefferson Davis, Jacob Thompson, and L. Q. C. Lamar.

At one time seven Members of the United States Senate were native sons of Mississippi—a record which no other State has made. And Senator KEY PITTMAN stated to me here in one of our Mississippi Society meetings that when he entered the Senate the governor and both of the United States Senators from Nevada were native Mississippians.

Mr. Fitts, Assistant Attorney General under Woodrow Wilson, said in a public speech that no other State in the Union has sent to the Senate four men equal to Mississippi's "immortal four"—Jefferson Davis, E. C. Walthall, L. Q. C. Lamar, and J. Z. George—and now we may well add the name of John Sharp Williams, making it Mississippi's "immortal five."

A distinguished ex-governor of Virginia has called my attention to the fact that Mississippi has kept at least one outstanding nationally known man in the Senate for a longer time than any other State has ever done. It began, as he said, with Jefferson Davis 75 years ago, and except for the period of the Civil War and reconstruction the chain is unbroken down to this day. In regular succession they have come—Davis, Walthall, Lamar, George, Money, Williams, and Harrison. All have rendered such service and filled such places in national affairs as to make their names known in every State of the Union. Grover Cleveland said to a Virginia Senator, "L. Q. C. Lamar has more ability than any other man I know," and Elihu Root said to this Virginia governor, "I would not say who is the ablest man in the United States Senate, but I will say that the best Senator there is Money, of Mississippi." I place the higher value on these statements because they have not come from

Mississippians but have come to me from a real Virginia statesman, for whom I have great admiration and in whom I have great confidence. But before we leave the Senate, let me say in my own name, no man who observes the "upper House" can fail to see that Mississippi's junior Senator, HUBERT D. STEPHENS, is winning an unusual reputation for effective service and is coming very rapidly to that recognition which seems to be the due of Mississippians in that great deliberative assembly.

As you will observe I have, as I purposed, discussed only those citizens of our State who have distinguished themselves in political and military service and in connection with national affairs. Scores of others have won reputation in business, in literature, in educational and religious activities, and in the political affairs of their own State. Not a lack of appreciation but brevity of time prevents our mentioning them to-night and paying them the tribute of our love and admiration.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that to-morrow the gentleman from Oklahoma [Mr. JOHNSON] may be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Oklahoma [Mr. JOHNSON] be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

NATURALIZATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on H. R. 349, a bill dealing with naturalization and legalization.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Speaker and Members of the House, the Senate made considerable changes in the naturalization act proposed by the House, striking out all after the enacting clause, and making a very thoroughgoing revision of the existing laws relating to the naturalization of aliens who have not been properly admitted into the United States.

When the bill was returned to the House, the Committee on Immigration, through its chairman, proposed seven changes in the bill as passed by the Senate. These changes can be summarized as follows:

First. Changes from July 1, 1924, to June 3, 1921, the date of entry of the immigrant.

Second. Changes the words "is a person of good moral character" to "has behaved as a person of good moral character at all times since such entry."

Third. Adds a provision for a photograph to be given to an alien who has qualified under the foregoing provisions.

Fourth. Makes the official date of his entry from the date of the register instead of the Senate provision, making it date from the date of the original admission.

Fifth. Requires new declarations of intention after registry, old declaration of intentions declared invalid.

Sixth. Provides any naturalized citizen taking an oath of allegiance to a foreign country to lose his citizenship.

Seventh. A photograph shall be required on each certificate of entry.

My present remarks will be addressed to these proposed changes.

The first change made by the House was to enable the Commissioner General of Immigration to legalize the entry of all immigrants who have arrived in the United States prior to July 1, 1924. The House wants to make that change as of June 3, 1921, which is the date of the original quota law.

I am opposed to this change of date, which the Committee on Immigration of the House saw fit to impose, as against the Senate provision making July 1, 1924, the effective date, at which time the alien must have been properly admitted if he is to take advantage of our naturalization laws.

The situation briefly is as follows:

Formerly there was much less attention paid to recording our aliens entering into the United States than is the case to-day. The result is that thousands of aliens have come into this country openly and above board without any record of their entry being made.

Most of these people fall into two groups. They are those who came over our land boundaries, particularly from Canada, without our immigration inspectors making any inspection of them. Examination of immigrants was not done as thoroughly then as it is now. Up to 1907 there was no head tax imposed on a Canadian or on a person who had lived in Canada for one year,

and this absence of any financial obligation connected with entrance led to laxness in registering aliens. Furthermore and more important, the provision of the naturalization law of 1906 requiring registering of all aliens who had entered the United States after June 29, 1906, was overlooked for a number of years by the administrators of the immigration law. It was overlooked because this provision is a section of the law regulating naturalization and not a part of our immigration laws.

As a result many persons entered from Canada without being registered. People drove over the border in buggies or came in on trains without even seeing an immigration inspector. Responsibility for this situation rests clearly on our Government and not on the immigrant, who was innocent of any intention of violating our laws.

The other group, which is large, comprises those who came in as seamen at a time when our seamen's laws were not as strict as they are to-day, and who have left their vessels and went to work in the United States, remaining here permanently. Of course, there is no record of their entry, although these men clearly did not intend to enter this country illegally.

There are also aliens who were brought here in infancy and who can give no information as to the place or date of their entry. These people, for the most part, have settled down in our country, have taken their places in our commercial industrial life, have married and raised families, and have become respected members of our communities, and yet, strictly speaking, they can not be deemed to be admitted legally and, technically speaking, are improperly in the United States.

The legal situation confronting these aliens is as follows:

The naturalization law of 1906 requires an immigrant seeking citizenship to furnish a certificate of arrival. The only way he can meet this requirement, unless he can establish the fact that he had entered the country prior to 1906 and has since continuously resided here, is through the official record of his entry. If there is no such record, he is without any legal status as a resident alien, other than the fact that he is not subject to deportation, provided he has resided here continuously for three years or five years, as the case may be. We suffer him to remain, but as a sort of a legal outcast. This means that he can not become a citizen. It means that he can not obtain a permit for reentry. If he should leave the United States for a visit or on temporary work, he might be prevented from returning until he had obtained an immigration visa, which, on account of full quotas, might hold him up for several years. If he should make such a trip out of the country, should return and this fact should be discovered at any time thereafter, under the provisions of the 1924 law, he might be subject to deportation as an illegal entrant.

The change, as has been said, is of the date from which this entry is to be made legal, rather than on the principles of the bill itself.

The Senate very properly fixed the date as of July 1, 1924. This was the date which was continually recommended by our Secretary of Labor, and I am now quoting from his report in 1927:

I can not too strongly urge it upon the Congress. The legislation to accomplish it should take the form of a statute to give authority to the administrative officer to give legal domicile to aliens who entered the United States prior to July 1, 1924, the effective date of the present quota immigration law, upon showing in appropriate hearing that they are not subject to deportation on any other grounds and that they meet the certain required standards.

The United States Chamber of Commerce in the report of its chairman urges that legalization be as of July 1, 1924. The Foreign Language Information Service urges likewise July 1, 1924, as the effective date of this proposed legislation. The Council on Adult Education for the Foreign Born urges the passage of this act. In fact, it is the desire of all those who are interested in a proper solution of this difficult question that this law be made effective as of July 1, 1924, rather than June 3, 1921.

The reason for it is obvious. Our permanent quota policy was fixed on July 1, 1924. From that date on we have very accurate, comprehensive, and complete records of every alien who entered the United States. Those who came before that day can not now be deported. It is therefore obvious that if we do not legalize the entry of these aliens who have established their residence in the United States prior to July 1, 1924, we will be making of them men without a country. I do not believe that Congress seriously intends to do anything of the kind.

I shall quote from the report of the immigration committee of the United States Chamber of Commerce two instances, typical of many which have come to light and of many others which may at any time, which will reveal the hardships arising

out of our failure to remedy a condition for which our own previous lax administration of our immigration laws is largely responsible.

A minister who came to this country from Canada in 1916. He has been preaching in one of our Middle West States for more than 10 years. He is established there. He is educating his children there. He has applied for citizenship. There is no record of his entry. He came into the country quite openly. He says that he did not see an immigration officer when he came in, and there is no reason to doubt his word. The Commissioner of Immigration is powerless to do anything about it. The man, a respected member of his community, desirous of being an American citizen, can remain here, but as a man without a country. If he ever leaves the United States, he becomes subject to all our immigration laws, without reference to the actual fact that he has lived here for years, that he is a part of our life, and to all intent an American citizen.

An Englishman, who is an accountant employed by one of our well-known concerns in a position of responsibility and trust. He came in openly from Canada. No record of his entry was made. He has been in the country 19 years. He has educated his children here. There has never been any question in his mind about the legality of his entry. His children have been brought up as Americans and he has long since regarded himself as an American. He applied for citizenship to discover that he can not become a citizen.

The fact that he has lived here 19 years, an honest, useful member of the community, can not offset the fact that there is no record of his entry. He discovered not only that we can not accept him as a citizen, but as a result of his visits on business to Canada we are compelled to deport him, or maybe as an illegal entrant. It is difficult to find words to condemn an injustice of this kind.

The other changes made by the House, which I have summarized above, are not as important as this change of the date of legalization of our unlawful entries. While much might be said against this wholesale addition of new provisions concerning photographs, identification cards, and all such other paraphernalia having to do with the mechanics of the naturalization law rather than with the merits of an alien's application for citizenship, I prefer not to discuss them in detail because of the importance which I am attaching to this one change made, which should be given very thoughtful attention and full consideration by the House.

AMENDMENT OF THE NATIONAL PROHIBITION ACT

Mr. CHRISTOPHERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2901, to amend the national prohibition act, as amended and supplemented.

The SPEAKER pro tempore. The gentleman from South Dakota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2901.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAGUARDIA. Under the rule the time allowed for the consideration of this bill is fixed at one hour, one half to be controlled by the sponsors of the bill and the other half to be controlled by the opposition. Now, I understand there is no one on the committee who is opposed to the bill. Therefore, I claim control of the time in opposition to it.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNOR of New York. Under the rule it is true that the one hour is to be divided equally between the proponents and opponents of the bill, but it is quite usual that if there is opposition on the minority side the time be placed in the control of that opposition. It just happens that the member of the committee who would oppose the bill is in the hospital. Therefore, I suggest that the fair thing to do is to divide the opposition between those on each side.

Mr. LAGUARDIA. May I suggest that I have divided such opposition many times but have gotten nowhere?

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent that the time may be equally divided, that I control one half the time and that the gentleman who secures recognition in opposition to the bill control the other half of the time.

The SPEAKER pro tempore. Does the gentleman care to name any gentleman in his request? The rule does all the gentleman is now asking and the Chair suggests that the gentleman name some Member to control half the time.

Mr. LAGUARDIA. Mr. Speaker, I claim recognition to control half the time in opposition to the bill.

Mr. O'CONNOR of New York. Mr. Speaker, I do not think that is fair. I think the minority should be represented, and that not all of the time should be controlled on the majority side.

Mr. CRAMTON. Mr. Speaker, if no agreement is entered into and we go into the Committee of the Whole, recognition will be in the hands of the Chair, and the Chair necessarily gives priority of recognition to members of the committee.

The SPEAKER pro tempore. The Chair agrees that that is so, but in this case it seems to the Chair that it might be agreed that some Member on the majority side should be allowed to control the opposition.

Mr. DYER. The gentleman from New York [Mr. LAGUARDIA] is a member of the Judiciary Committee. He has filed minority views and I think he should control the time of those in opposition to the legislation.

Mr. CHRISTOPHERSON. Mr. Speaker, I amend my request by asking that the gentleman from New York [Mr. LAGUARDIA] may control half the time.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that one-half of the hour be controlled by himself in favor of the legislation and one-half by the gentleman from New York [Mr. LAGUARDIA] in opposition. Is there objection?

Mr. O'CONNOR of New York and Mr. O'CONNELL objected. The SPEAKER pro tempore. The question is on the motion of the gentleman from South Dakota.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. If the House shall resolve itself into the Committee of the Whole without an agreement as to the control of the time, would it result that the gentleman from South Dakota will be recognized for one-half hour and then that some other gentleman in opposition will be recognized for one-half hour?

The SPEAKER pro tempore (Mr. SNELL). The present occupant of the chair would think that the chairman of the committee would have control and it would be in his discretion whom he would recognize for the other half hour.

Mr. GARRETT of Tennessee. Under the rule?

The SPEAKER pro tempore. Under the rule.

Mr. O'CONNOR of New York. Mr. Speaker, then what is the purpose of the agreement?

The SPEAKER pro tempore. To fix the time.

Mr. O'CONNOR of New York. The time is fixed by the rule, but I understood the motion was by the gentleman from South Dakota that the gentleman from New York [Mr. LAGUARDIA] would have one-half hour in opposition.

The SPEAKER pro tempore. That was the unanimous-consent request that was objected to.

Mr. CHRISTOPHERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CHRISTOPHERSON. If we go into committee without any agreement—

The SPEAKER pro tempore. The gentleman from South Dakota will have 30 minutes, and it will be in the discretion of the Chairman of the Committee of the Whole whom he shall recognize.

Mr. CHRISTOPHERSON. Will I have the right to yield part of the 30 minutes granted me?

The SPEAKER pro tempore. Yes; the gentleman can yield any part of the one-half hour he desires.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2901) to amend the national prohibition act as amended, and supplement it, with Mr. BEGG in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both: *Provided,* That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law.

Sec. 2. This act shall not repeal nor eliminate any minimum penalty for the first or any subsequent offense now provided by the said national prohibition act.

Mr. CHRISTOPHERSON. Mr. Chairman, as was stated yesterday in the argument on the rule, the purpose of this bill is to increase the penalties provided in the national prohibition act.

Experience has demonstrated that heavier penalties are necessary. The department believes that the amendment proposed in this bill will aid in the enforcement of the act and that it will help the courts in the administration of the national prohibition act.

I hope the measure will have the approval of the House.

Mr. Chairman, I reserve the balance of my time.

Mr. LaGUARDIA and Mr. O'CONNOR of New York rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. O'CONNOR of New York. Mr. Chairman, I demand recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman a member of the Committee on the Judiciary?

Mr. O'CONNOR of New York. No.

Mr. LaGUARDIA. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. LaGUARDIA. I demand recognition as a member of the Judiciary Committee in opposition to the bill now before the committee.

The CHAIRMAN. Under the rule which has been adopted, there is one hour of general debate, to be equally divided and controlled by those favoring and those opposing the bill. The Chair is without any hesitancy in stating that the custom as well as the practice of the House has always been that the member of the committee asking recognition in opposition to the bill is accorded such recognition.

Mr. CELLER. Mr. Chairman, may I submit an inquiry? Will the gentleman having control of the time in opposition yield any time on this side?

The CHAIRMAN. Of course, the Chair can not answer that question.

Mr. CELLER. May I ask the gentleman from New York [Mr. LaGUARDIA] that question?

The CHAIRMAN. Does the gentleman from New York care to be questioned?

Mr. LaGUARDIA. If the gentleman from New York is recognized in opposition to the bill, he will send forth his best guns and his heaviest artillery? [Laughter.]

Mr. O'CONNOR of New York. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. O'CONNOR of New York. In connection with a parliamentary suggestion.

The CHAIRMAN. The Chair does not care for any suggestions.

Mr. O'CONNOR of New York. May I state in this connection as a parliamentary inquiry, is it not also the custom in this House that the minority be recognized? If, for instance, the gentleman from New York [Mr. WELLER], who is in a hospital, were here, he would be in opposition to this bill, and if he rose, together with the gentleman from New York [Mr. LaGUARDIA], I submit that the gentleman from New York [Mr. WELLER], being on the minority side of the House, would be recognized in opposition. Because that gentleman does not happen to be here, I submit that the minority of nearly 200 Members should be represented in opposition to this bill, and that both sides should not be represented by the Republican side of the House.

The CHAIRMAN. The Chair will state we are operating under a special rule, and the rule provides that the proponents and the opponents shall have control of the time equally. The gentleman from New York [Mr. LaGUARDIA] represents the opposition.

Mr. O'CONNOR of New York. So do I.

The CHAIRMAN. And being a member of the committee, under the practice of the House—

Mr. O'CONNOR of New York. Mr. Chairman, I beg leave to submit that we have brought out rules which have stated, if I recall correctly, that the member of the committee in opposition should have control of the time or we have named men in the rule itself who should represent both sides, but this rule just refers to those in opposition and does not say anything about the committee.

Mr. LINTHICUM. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Maryland rise?

Mr. LINTHICUM. To submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. The rule says we shall have one hour of general debate. It does not say that that one hour shall be divided equally between one gentleman opposing it and another gentleman in favor of it. I thought that left the time in the control of the Chair, and the Chair would apportion the time.

The CHAIRMAN. If the gentleman from Maryland will read the rule he will find it provides that the one hour shall be equally divided and controlled by those favoring and opposing the measure.

Mr. LINTHICUM. Yes; by those favoring and opposing and not by any two Members to allot the time themselves.

Mr. CRAMTON. Mr. Chairman, as I understand, we have in this division of the wet bloc an example of a division of the irreducible minimum.

Mr. CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LaGUARDIA].

Mr. LINTHICUM. Mr. Chairman, another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. If the Chair recognizes the gentleman from New York, for what time is he recognized; one-half hour?

The CHAIRMAN. Yes; for 30 minutes.

Mr. LINTHICUM. Then the gentleman has the right to allot that time himself?

The CHAIRMAN. That is the decision of the Chair.

Mr. LINTHICUM. I understood the rule left the time in the hands of the Chairman to apportion among those favoring and those opposing and not that it was to be divided into two equal parts and given to two gentlemen to control.

The CHAIRMAN. The Chair has ruled otherwise.

Mr. CELLER. Will the gentleman from New York [Mr. LaGUARDIA] yield for a question?

Mr. LaGUARDIA. Mr. Chairman, is this being taken out of my time?

The CHAIRMAN. The time starts now and the gentleman from New York [Mr. LaGUARDIA] is recognized for one-half hour.

Mr. LaGUARDIA. I can not yield. Mr. Chairman, the bill before the committee is very important. It is highly penal in its character. It is more important than any ward politics for home consumption.

I reserve the balance of my time, and I yield five minutes to the gentleman from Illinois [Mr. IRWIN].

Mr. IRWIN. Mr. Chairman, I have asked for a few minutes to-day to voice my protest against the provisions of this monstrosity—this so-called amendment to our present prohibition laws. In studying its provisions I am firmly convinced that it is contrary to the letter and spirit of the Constitution of the United States, which sets out that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." My friends, where are we drifting in passing such legislation? This bill makes it a felony for a man driving along the public highway with a half pint of liquor on his person for his own personal use, and not for sale, punishable by five years in the penitentiary and a fine of \$10,000. I appeal to the better judgment of the Members of this body to think seriously before voting to pass such hysterical legislation. By its drastic provisions, a farmer who drives to town with a gallon of cider for a friend might be sent to the penitentiary for five years and made to pay a fine of \$10,000. I know what the proponents of this bill will say in justification of the measure; that it is aimed at the bootlegger and commercialized prohibition offender, and that the bill is so worded that it is left to the discretion of the Federal judges to determine the degree of punishment to be meted out to the offender, and that the minimum penalties still remain in the statute. But my friends, stop and think for a moment what power you are giving Federal judges—the power to send a man or a woman to the penitentiary for five years and pay a fine of \$10,000 if found guilty of making a pint of home-brew for their own use. My friends, only a few days ago we listened to the splendid address delivered on the floor of this Chamber by the gentleman from Pennsylvania [Mr. BECK], former Solicitor General of the United States, eulogizing the life and character of George Washington, and in which he particularly pointed out the dangers, as feared by Washington, of breaking down the Constitution of the United States by injudicious legislation. And to-day we are asked to do this very thing by the proponents of this nefarious bill. I implore you in the name of the Constitution of our country, and its flag we all love and honor, not to place on the statute books such a law which permits a punishment of five years' imprisonment in the penitentiary and a fine of \$10,000 for the first offender of the prohibition law, no matter what might be the circumstances in the individual case. Such a law would place the first offender in the same category with the murderer, the rapist, or a man who robs a train or burglarizes a bank. It is unthinkable to pass such a law in the name of law enforcement. Are we going back to the days of barbarism and are we placing ourselves in the same class with Russia, who sent her prisoners to the mines of Siberia for life for infractions of her laws? There must be

something radically wrong with the prohibition law if, in order to enforce its provisions, we must resort to such drastic, un-American legislation as is contained in the bill we are now considering.

I have always had the most profound respect for Federal courts and Federal judges, but I will call the attention of this House to what has transpired here in the past few days, namely, that resolutions have been introduced to investigate the conduct of two Federal judges in one of our near-by States. I also point out to the membership of this House that only a few months ago the House voted to impeach a Federal judge in my own State for misconduct in office. Now, in view of these facts which are a matter of record, my faith in some Federal judges has been somewhat weakened. So, my friends, I think it is unwise to give to Federal judges the great power such as is given them in this bill. I believe that a Federal law should state what it means and that Federal judges should not be required to interpret the intent of Congress. Many judges, conscientious, humane, and with a sympathetic heart, can give a first offender of the prohibition laws a 30-day jail sentence with a fine of \$200 in one section of the country, while in some other part of this country a hard-boiled Federal judge for the same identical offense may send such offender to the penitentiary for five years and fine him \$10,000. In conclusion, I again ask you to vote down this unwise and un-American legislation. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. MOORE].

Mr. MOORE of Ohio. Mr. Chairman, after discussion and education for almost a century, the eighteenth amendment became a part of the Constitution of the United States. Under section 2 of that amendment it therefore became our duty in the Congress to pass the prohibition enforcement act. That act, in respect to the increasing of penalties therein, is before us for amendment. You will recall that the eighteenth amendment had in it five provisions referring to the manufacture, sale, importation, exportation, and transportation of intoxicating liquors for beverage purposes. This bill deals with those five things which the eighteenth amendment prohibits.

Several penalties are provided in the prohibition enforcement act. One of the penalties which is quite generally used and which will be affected by this bill is section 29, a portion of which follows:

Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than \$1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than \$200 nor more than \$2,000 and be imprisoned not less than one month nor more than five years.

It will be observed from the above section that the maximum penalty for a first offense is a fine of not more than \$1,000 or imprisonment not exceeding six months.

If this bill should become a law, it would not affect the minimum penalty that might be imposed, but it would increase the maximum penalty to \$10,000 or imprisonment for five years, or both.

We are told by representatives from the Department of Justice who are responsible for the enforcement of prohibition that the penalties in the enforcement act in many instances are inadequate, and that many of the violators who carry on an illegal traffic in intoxicating liquors are not deterred by the small penalties. The object of this legislation is to increase the maximum penalty in order that adequate punishment may be meted out to one who is commercializing the traffic in intoxicating liquors. This is not aimed at the small offender but for the larger violators with the belief and expectation that a maximum prison sentence of five years or a fine of \$10,000, or both, will go a long way toward breaking up these illegal practices.

We ought to be fair in this discussion. It seems to me that some of the opponents are quite unfair. They speak of these extreme penalties and hold up some imaginary case of a boy or girl technically violating the law, and intimating that judges in a case like that would give the extreme penalty. Under the law now there could be a thousand dollar fine or imprisonment for six months, but who has ever heard during the whole time prohibition has been in effect of any judge imposing the maximum penalty in trivial cases? Judges must of necessity have and ought to have good common sense among other qualifications, and most of them do. I believe they can be trusted to impose this penalty upon offenders and apply the maximum penalty only where it should be used. Some discretion must be left to the judge, for I think it is apparent to everyone that we can not in a law work out a graduated scale of fines that would cover all situations.

For several years the proposition contained in this bill of increasing penalties has been before the Judiciary Committee of

the House. We have held hearings and this has not been done in haste. However, this bill has passed the Senate, and because only a few days of this session of the Congress remain, it seems to me advisable to accept this bill without amendment, although I would have preferred to have made some minor changes.

Prohibition is, as has been well said, a noble effort. Throughout the years in the public schools and elsewhere the children were taught scientific temperance. Various methods have been provided to attempt to control the liquor traffic. Until there is something better, the eighteenth amendment is in the Constitution to stay. We concede the right to amend it in the way provided in the Constitution but not to nullify it while it remains in the Constitution. We should give proper encouragement to its enforcement. I believe it is the sentiment of the House that we shall do this.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Ohio. No; I have only a few minutes. I am amazed at the remarks of the gentleman from New York [Mr. O'CONNOR], who spoke yesterday. Very soon he will want to offer dilatory amendments to this bill. I thought as I listened to his unusual and amazing words yesterday that when he came to revise his remarks they would be taken out and would not appear in the Record, but here they are. He says:

I am against the eighteenth amendment.

Mr. Chairman, the eighteenth amendment is in the Constitution, adopted by the States of the Union in the prescribed way. It is a part of the Constitution. Therefore, the gentleman from New York is against the Constitution. He further says:

I abhor it. I despise it. I have no respect for it.

And then he says concerning the prohibition enforcement act:

I would not counsel anybody to even respect the law.

That is the situation, and he is the gentleman who will be offering amendments to this bill which aims to carry out our constitutional duty as representatives of the people.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield right there?

Mr. MOORE of Ohio. Not now. Mr. Chairman, I have great respect for the distinguished lady from New Jersey [Mrs. NORRON]. I want to be polite and courteous in what I say about her remarks during the debate on this bill, but even though a lady said it, for one I shall not let go unchallenged her statement that reflects upon the sobriety and the good name of this House. For several years I have associated with and observed the membership of this House, and I say upon my responsibility as a legislator that they have respect for the law, and the large number, generally speaking, of the Congress of the United States observe it and believe in its observance. [Applause.]

The Republican Party in its platform in the last campaign, when this question was frequently discussed, stated:

The people, through the method provided by the Constitution, have written the eighteenth amendment into the Constitution. The Republican Party pledges itself and its nominees to the observance and vigorous enforcement of this provision of the Constitution.

We have elected a President who will carry on under that instruction. The law-enforcement officers who will work under him will also do this, if we strengthen this law and increase the maximum penalty, so that we shall not hamper those who have the responsibility of enforcing the law.

My friends, the prohibition law is not the only law that is violated. It was pointed out by the gentleman from Ohio [Mr. COOPER] yesterday that in our Federal prison at Atlanta there are more there who have violated the narcotic laws, there are more there who have violated the law relating to the theft of automobiles than the prohibition law. The trouble with the American people to-day is that we like to violate the law that suits our convenience. What we need is respect for the law, for all laws, for the Constitution as it is written, and the laws under it that we make to enforce it. This, indeed, is a noble effort, I repeat. After years of education and agitation we are determined to make every proper effort to enforce the law. Nobody defends the saloon to-day, which debauched the manhood and pauperized the womanhood and childhood of the Nation.

Why eternally bring the young people into the picture every time we discuss prohibition? The lady from New Jersey [Mrs. NORRON] says:

We are tired of this hypocrisy that is ruining our boys and girls, who are cynically watching the farce.

My friends, because of the insinuations against the young people of this country I take occasion at this time to resent on their behalf these innuendoes. It was stated these young people were now "cynically" looking on. I take it, Mr. Chairman, that they are watching to see whether we will have respect for

the law, whether we will observe the law. I believe that the young people of to-day are the cleanest, the brightest, and the best young people that have ever lived in any age at any time. If their elders respect and observe the law, the boys and girls will be all right.

Mr. Chairman, in the interest of good government, in the interest of law enforcement, in the interest of law observance, I appeal to the House to place on the statute books this bill without amendment that we may encourage and strengthen the arm of the law that has to do with the enforcement of the eighteenth amendment. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I do not rise to appeal to the mercy of those who hold to the extreme view with respect to the enforcement of the prohibition law, because history teaches us that through all time it is useless to make such an appeal. That element of society has always proven implacable, unrelenting, and uncompromising. This may be said with equal propriety of those who take the extreme view on the other side of this question. I do not appeal to those who may not agree with the proposed legislation, but who will support it because they feel that a majority of their constituents favor it, because we all realize that self-preservation is the first law of nature, and political expediency is with them paramount. But when it is demanded that we shall obey the eighteenth amendment because it is written in the Constitution, I rise to demand that we shall respect the fourth amendment to the Constitution, which is as much a part of that instrument—just as sacred, just as binding—as the eighteenth amendment; I rise to demand that the fifth amendment to the Constitution shall be respected, with respect to confiscation of property, and with respect to double trials for the same offense which have occurred. I demand full respect for the provisions of Article VI of the Constitution, which provides for jury trials. I demand that the Constitution shall be respected in the matter of excessive fines, excessive bail bonds, and cruel and unusual punishments. All of these provisions in our Bill of Rights, amounting to eight, have been violated by our Government enforcement officials in their efforts to enforce the prohibition laws. They are each as sacred and binding upon us as the eighteenth amendment to the Constitution. Yet we hear no demand by the advocates of prohibition that these provisions of our Constitution be enforced. In the one case it is treason to violate the Constitution (eighteenth amendment); in the other it is necessary in order to enforce the sacred eighteenth. Who are the nullificationists?

Gentlemen have spoken to this bill and suggested that we can trust our courts with the discretion of enforcing this law. I do not think, Mr. Chairman, that we should leave it to the discretion of any judge as to what kind and extent of punishment he should mete out in these matters. Have we forgotten that there have been judges who have abused their trusts? History records a number of such, and all men do not entertain the same views with respect to these questions.

We abolished the saloons. The majority of us were in favor of that legislation. One of the greatest evils incident thereto, was its participation in politics and its demand that they should regulate and control our representatives in the State legislatures, in our city councils, our prosecuting attorneys, and even the judges of the courts.

We eliminated this evil only to substitute in its stead city councilmen, representatives in State and National Legislatures, prosecuting attorneys, and judges largely named and controlled by the Anti-Saloon League. Have we improved the situation? We are all human; but the milk of human kindness is no more in evidence under the dominance of the Anti-Saloon League than under that of the saloon. Indeed, we never heard of the saloon demanding that men be shot down who fled from arrest for petty offenses, or that human beings be imprisoned for life for misdemeanors committed. The saloon, with all of its evils—and there were many—never sought to break down and destroy our bill of rights in order to carry out its views. This proposed legislation is unsound, and it will not accomplish the end sought. Already the demand has been made that any amount of money shall be appropriated and more drastic laws enacted if necessary to compel those who do not agree and conform to their views. Both will be necessary. We will undoubtedly reach the day when homes will be searched and capital punishment demanded. Even so, if the lessons of history are to be reckoned as a guide, sumptuary laws will not prevail. In the early part of the seventeenth century England, by statutory law or an edict by the Crown—I do not now recall which—prohibited the importation of silks. Macaulay tells us that while the Government officials were supposed to be exer-

cising the greatest vigilance in the enforcement of the law, French silks were offered for sale in the House of Parliament. Gentlemen upon this floor can determine whether or not conditions in and around our Capitol furnish a parallel. The penalty for violation of the English law was death, and Macaulay tells us it was a matter of common remark that it would require a gibbet upon each one-fourth of a mile of the eastern coast of England to prevent the smuggling, notwithstanding the fact that the British and Dutch fleets were constantly patrolling the Channel. The same was true in France with respect to smuggling; but the law could not be enforced, because the enforcement officers became the smugglers. Are we not finding a parallel in the Union to-day? Great profits in bootlegging have been revealed, in some instances aggregating millions of dollars. An analysis of human nature reveals that men and women, too, will face death where gain can be obtained. Advocates of prohibition close their eyes to these facts. Perhaps the same motives that prompt the bootlegger to ply his trade is behind the leaders of prohibition—money.

I deny the allegation made by some upon this floor that those who object to and oppose the eighteenth amendment and Volstead law are disloyal to the Government. We have a right to oppose any amendment to the Constitution or any law and seek its repeal and yet be quite as loyal to our Government as any other citizen, be he prohibitionist, minister of the gospel, or otherwise. Those who make this charge are, in the main, those who demand the violation and scuttling of our Bill of Rights in order to enforce the only law which they seem to consider of moment.

The extravagance of views advanced by this school of thought is evidenced in the wholesale claim that the great prosperity realized in our country since the war is due to prohibition. I have only to point to the great increase of money that flowed to our country from Europe as a result of the war, the increase by 100 per cent of wages, the increase in commodity prices in industry, and our great increase in exports to show the fallacy of this claim. Are there any so gullible as to believe that less alcohol is being consumed for beverage purposes or that less money is being expended therefor? The crowding of our jails, 75,000 arrests during the past year, Government reports of smuggling across our borders, illicit distilleries within our borders, especially in the so-called dry States, all belie the claim. Nor is this all: The total gallons of grain alcohol manufactured in the United States has increased rather than decreased. The production in 1912 was 7,630,032.8 gallons, one of the peak years of alcoholic beverage consumption. In 1927 the production was 184,000,000 gallons, an amount exceeded only during the war year of 1917. There is absolutely nothing to indicate that human consumption of alcohol has been decreased. We have merely driven it from the saloon into the home and behind closed doors.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CHRISTOPHERSON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. STALKER].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. STALKER. Mr. Chairman and members of the committee, the bill now before us (S. 2901) is similar to a bill which I introduced in the House.

I offered the following amendment to my bill (H. R. 9588) by introducing H. R. 12002:

Sec. 2. This act shall not in any way change or eliminate the minimum penalties now provided by the said national prohibition act for second or subsequent offenses, nor change or eliminate the civil penalties now imposed because of law violations.

In the bill now under consideration (S. 2901) the intention is to keep in the national prohibition act all the penalties referred to in section 2 of H. R. 12002 by inserting the words "criminal prosecution," on page 1, line 4, and adding section 2.

While I prefer the language of my own bill, I fully appreciate that if any amendments were adopted to the bill now under consideration it would be fatal to this legislation.

When the Volstead Act was adopted it was the thought of those in charge of the legislation to provide lenient penalties until the people had an opportunity to become familiar with the law. Certainly this time has arrived, and it now behooves Congress to increase the penalties to correspond with the violation. As a matter of fact, in the days prior to the eighteenth amendment, when we were legislating for revenue only, the penalties imposed because of law violations were much greater than those written into the Volstead Act. I shall only take the time of the House to refer to a few of the penalties, which were provided for in the revenue laws.

Section 3257, where a distiller attempted to defraud on any tax on spirits there was a minimum fine of \$500 and six months in jail; a maximum of \$5,000 and three years.

Section 3258, just possessing a still or any distilling apparatus without having registered it, there was a minimum punishment of \$100 and one month in jail; a maximum of \$1,000 and two years.

Section 3259, carrying on the business of a distiller without sending notice to the collector—just such an oversight as that—there was a minimum penalty of \$100 and six months; and a maximum penalty of \$1,000 and two years.

Section 3260, failing to give a proper bond, a minimum fine of \$500 and six months; a maximum of \$5,000 and two years.

Section 3266, distilling on prohibited premises, a minimum penalty of \$1,000 and six months; a maximum of two years.

Section 3268, breaking or tampering in any manner with locks that were put on by internal-revenue agents, a minimum of \$100 and one year; a maximum of \$5,000 and three years.

Section 3229, using any notices, signs, around a distillery, minimum \$1,000 and one month; maximum six months.

Section 3281, carrying on the business of a distiller without giving bond, minimum, \$1,000 and six months; maximum, \$5,000 and two years.

Section 3282, making any mash fit for distillation on other than registered distillery premises, minimum, \$500 and six months; maximum, \$5,000 and two years.

Section 3296, removing or concealing or covering up of spirits contrary to law, a minimum of \$200 and three months; a maximum of \$5,000 and three years.

Section 3305, making any false entries in the books that were kept, a minimum punishment of \$500 and six months; maximum, \$5,000 and two years.

Section 3306, using any false weights or measures, minimum, \$500 and one year; maximum, \$5,000 and three years.

Section 3317, carrying on the business of a rectifier, or removing rectified spirits contrary to law, a minimum of \$1,000 and six months; maximum \$5,000 and two years.

Section 3318, failing to keep books as a rectifier or wholesale distiller, minimum \$100 and three months; maximum \$5,000 to three years.

Section 3326, changing or altering any mark or brand on cask or any kind of package, minimum \$100 and one month; maximum \$1,000 to one year.

Section 3330, relanding spirits that were shipped for export, a fine not to exceed \$5,000 (no minimum there, but it is in the conjunctive) and not more than three years.

The enforcement of the liquor laws has been a grave problem for generations. Tell me how long a dealer has been engaged in the liquor business, and I will tell you how long he has been a habitual violator of the law. The difficulty in enforcing the eighteenth amendment is due largely to the small penalties provided for in the act. In most cases they are less than the annual license fee was in the days of the legal saloon. Many of our city ordinances provide a penalty for spitting on the sidewalk almost equal to the penalty which Congress has written into the national prohibition act for violating the Constitution of the United States.

Mr. Chairman and Members of the House, this legislation has the approval of the office of the Attorney General, the Treasury Department, including the Commissioner of Prohibition, and all dry organizations.

It is the duty of Congress to provide penalties that correspond with the violations, and our neglect to do so up to this time has placed a grave doubt in the minds of the people as to whether or not Congress really desired the national prohibition act to succeed. This is a very important piece of legislation, and I trust that the bill will pass. [Applause.]

Mr. LaGUARDIA. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. COMBS].

The CHAIRMAN. The gentleman from Missouri is recognized for three minutes.

Mr. COMBS. Mr. Chairman and members of the committee, my opposition to this bill is predicated on the fact that I believe it to be a thoroughly unscientific piece of legislation. Regardless of what laws we seek to enforce, in the past we have always made some effort, at least, to classify penal infractions, to graduate punishment, and to determine the measure of its severity by the measure of the seriousness of the offense. There is in this bill absolutely no legislative discrimination between a serious offense and a purely casual offense. There is no splitting of the offense in accordance with the practice which has been recognized as the only sound juridical policy governing penal infractions of the law.

I am fully aware of the fact that there has been added to the bill a proviso which seeks to declare the intent of Congress. From a legal standpoint every man in this room knows that

the proviso is in no sense binding upon any court charged with the duty of enforcing this law. It is absolutely without significance. We can declare our intent until the cows come home, and yet if the court elects to construe and administer the law in accordance with his prejudice rather than in conformity to the plain intent of Congress, he is at liberty to do so. We have the disheartening spectacle of Congress rushing through a sloppy piece of legislation, inserting a proviso that is both unscientific, and without legal validity, and realizing, as we must realize, that we are stultifying ourselves in so doing.

The problem confronting the American people is primarily one of enforcement. You can not obtain enforcement in wet communities by hurling in their faces legislation which the people of those districts know can be so construed by the courts as to constitute a cruel injustice. Public sentiment is the only real motivating force behind any law.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LaGUARDIA. Mr. Chairman, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM]. [Applause.]

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I realize it is entirely futile to oppose this bill. It is destined to pass no matter what may be said against it—that it is poorly drawn and crudely expressed, the ablest lawyers supporting it have admitted. For instance, note the expression in line 4, the words "criminal prosecution" is used. This portion reads as follows: "The penalty or penalties prescribed in a criminal prosecution." Now, what lawyer ever heard of a penalty prescribed in a "criminal prosecution"? I presume what was intended and meant was the "violation of criminal statutes"; certainly not a penalty or penalties for a criminal prosecution. This is only an example of the draftsmanship of this bill.

Forty-three Members of this House petitioned the Judiciary Committee for a hearing upon this measure, and not only were refused a hearing, but no response was even made to the petition. I presume it went into the ash can.

I believe in temperance, not in prohibition. I do not believe that prohibition and temperance can exist in the same community or country. The moment you try to prohibit a man in the freedom which he loves so dearly, just that soon you incite him to a violation of the prohibition. We all know how the great number of citizens of this country are continually violating the prohibition act. It has become a game; people are desirous of obtaining liquor or of manufacturing liquor, because it is prohibited. Thousands of distilleries dot the mountain sides, thousands of speak-easies abound in the cities, exceeding in number the old saloons. Thousands of arrests are being made, and each year are increasing. The penitentiaries and jails of the country are crowded so that in Atlanta and Leavenworth they are sleeping two in each cell and many in the corridors, the result of which is that more penitentiaries are recommended by the National Government, by a committee appointed by Congress, and many of the States are contemplating the erection of jails and penitentiaries.

The Government has resorted to all manner of means for the enforcement of prohibition. Poisons have been placed in alcohol; many people have lost their lives by reason thereof, to say nothing of those who have been affected by blindness and other physical ailments.

This act is intended to increase the penalties to five years in imprisonment or \$10,000 fine, and I venture to say will have just as little effect as all these other measures for enforcement have had. The heavier the penalty, the fewer prosecutions you are likely to have, because witnesses will not be willing to testify against a violator when the witness realizes it may mean five years in jail or \$10,000 fine. Juries will not be willing to convict when they realize that the man who sits upon the bench—the judge—has it within his power to thus severely fine or incarcerate the prisoner.

I have just read of one of the big counties of our country which has in force a local option law in addition to the Volstead Act. Yet it is unable to enforce prohibition. Recently 250 witnesses were examined and 83 indictments returned, but the grand jury stated that "hardly had the surface, in so far as bootlegging was concerned, been scratched," and went on to say that in view of the extent of the evil, the reluctance of witnesses to testify, their willingness to protect violations of the law, and the general difficulties confronted in securing convictions it was not thought worth while to continue the session for the purpose of prosecuting them; in other words, there is a breakdown of the law in this dry county where power to punish exists under both State and Federal statutes.

Now, if that is the condition under the present law, what will be the effect of giving to a judge the absolute power to fine or imprison a violator five years or \$10,000? Mind you,

when the case goes to the jury and the witnesses testify no one can discern the mind of the judge nor the penalty he may inflict. How would you like to testify against some person you know with this great uncertainty staring you in the face? Humanity at best is subject to so many influences, the best of us have our good days and our bad days, our patient days and our impatient days. The best of us have our indigestion days when everything goes wrong; some little irritation at home or abroad may change our whole demeanor. The judge is only human, he does his best as he interprets the evidence and construes the law, but even his best may be influenced by any one of these things; and yet he is empowered to say to a first, second, or many time offender that he will send him or her to jail for five years or inflict a fine of \$10,000.

I say it is putting too much power in the hands of one man. It is creating, as has been well said by the gentleman from Colorado [Mr. WHITE], a "country of men and not a country of laws." I am just as anxious to see the liquor traffic and the liquor consumption cease as any man on the floor of this House. I have always believed in temperance, and lived up to it; but I do not believe you can bring it about by such measures as these nor by the practices I have alluded to by the prohibition unit.

I note that while some seventy-five millions or more have been appropriated for the enforcement of prohibition, the Coast Guard, more judges, support of more prisoners, and all other matters that go to make up for prohibition enforcement, sad to relate, in none of these appropriations have I noted one dollar to educate the people against the use of alcohol and the dire results from overuse of intoxicating liquors.

I should like to see us embark upon a system which gives the Government control of the liquor question by the Quebec system, and yet give the people light wines and beers which they may drink at home. I should like to see temperance preached in lieu of attempted prohibition enforcement. I believe with the saloons now gone, for which we are all thankful, we can bring about far better results than are now being attained under the present system. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CHRISTOPHERSON. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, the pending measure simply provides a heavier fine in cases where a Federal judge feels the circumstances of the case and the demands of justice make that desirable; in other words, it makes it possible for a Federal judge, when he gets one of these big offenders before him, one who is making a great deal of money, to take a larger part of his profits away from him. That seems to cause dismay on the part of the wet bloc in the House, headed by the gentleman from Maryland [Mr. LINTHICUM], who has just spoken. It causes dismay in the hearts of Tammany, which is speaking here to-day as often as their neighbor from New York [Mr. LaGUARDIA] will permit them to speak.

We know that those who are most bitterly opposed to prohibition and those who most keenly desire to see the enforcement of prohibition fail are opposed to this legislation.

It is asked for by the department that has the responsibility of enforcing the law, and I hope that everyone who favors prohibition and who favors its enforcement will unite in support of this legislation. [Applause.]

Mr. LaGUARDIA. Mr. Chairman, may I ask the gentleman from South Dakota how many more speakers he has.

Mr. CHRISTOPHERSON. One is all I have as yet.

Mr. LaGUARDIA. And one is all I have.

Mr. CHRISTOPHERSON. The gentleman may proceed, then.

Mr. LaGUARDIA. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. STOBBS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 13 minutes.

Mr. STOBBS. Mr. Chairman and gentlemen of the committee, I am very sorry that in this debate the issue has been raised of personal views on the prohibition question. It seems to me the merits of this discussion do not involve necessarily anyone's views pro and con on the question of the eighteenth amendment or the Volstead Act.

Personally, as a member of the Committee on the Judiciary and as a Member of this House, I am only too glad to vote for any legislation which will bring about a more effective enforcement of the eighteenth amendment and the Volstead Act, as long as the two are a part of the law of this land; but I am opposed to this particular bill because I feel it is too drastic in its nature; I feel that it is poorly drawn and that it is not going to accomplish the purposes for which it is intended.

I disagree with the gentleman from Michigan [Mr. CRAMTON] and some of the other proponents of the bill that all this bill

does is simply to raise the maximum penalties and to enable a judge in a more serious case to give out a more severe penalty. If that were the situation, I would not oppose the bill, but that is not what this bill provides.

Now, just what does the bill provide? I hope you will give me your attention as I discuss one or two things right in this connection. In the first place, this bill provides that there shall be an increase in the maximum penalties for first offenses under this act. The maximum penalty now for a first offense under the present act for the sale or the manufacture of intoxicating liquor is a \$1,000 fine and six months in jail. This bill provides that the maximum penalty for such first offense under the act shall be increased tenfold and shall be made \$10,000 or five years in prison.

Mr. MONTAGUE. Or both.

Mr. STOBBS. Or both. That is the way this bill increases the maximum.

But, again, this bill also provides that the maximum for all first offenses is increased to \$10,000 fine and five years in prison. But there are some offenses under the present act, Mr. Chairman, that do not call for any prison sentence at all. Take the college boy, who, misguided perhaps, foolish perhaps, goes to a football game with a flask on his hip. He is guilty of transporting liquor. Under the present law all that can be done to that boy is to fine him; but under this bill that boy can be given the maximum penalty of five years in prison or \$10,000 fine. The maximum for that offense is increased twentyfold; and not only that, but the penalties for first offenses for possession or transporting under this act are made greater than for second and third offenses under the present law.

So when our friends talk about simply increasing the maximum, I want you to understand how the maximum is being increased and to bear this fact in mind in considering the merits of the bill.

Then, there is one other thing this bill does that is not done in the present law. All distinctions between misdemeanors and felonies are entirely wiped out at one fell swoop, and every offense under this proposed act, however trivial, is made a felony and there is no such thing as a misdemeanor. That is what the bill provides.

So I say to you I am opposed to this bill as it is drawn because of its drastic character.

But this is not all. This bill takes away all the differences in degrees of crime. It takes away any distinction in law between a trivial and a serious crime. It takes away the difference in the character of the offense and leaves it entirely in the mind of an individual judge to say what the degree of the crime shall be, and its punishment.

This is absolutely unsound and unscientific legislation.

The Congress has no right to surrender its responsibility and leave in the hands of the individual judge power to discriminate between the different classifications of crime. The composite judgment of 435 men on this floor should be at all times the final test as to what is the nature of an offense, how serious that offense shall be, and what the punishment within limits to be meted out for that offense shall be, and not leave it to the individual judge.

But the proponents of this bill will say, "We can trust the individual judge; we can depend on his sense of fairness; we can depend on all the men of the judiciary to see that this law is enforced or administered the way it ought to be administered."

The judge, under the proposed legislation, has the sole decision to make as to whether or not an offense is a trivial one or a serious one. Congress, in passing this bill, actually surrenders that privilege and that decision and puts it into the hands of the judge, and instead of having uniform administration of and defining of offenses under your liquor law throughout all the United States, if you have 300 Federal judges you are going to have 300 different methods or 300 different views on the degrees of the offenses, and there will be no uniformity. One judge will consider it a trivial offense for a college boy to go to a football game with a flask of whisky on his hip. He will say that that is a trivial offense and will give him a fine of \$25, and the next judge will come along and under this proposed law he is able to give that boy a prison sentence and will give him a month in jail, and the next judge will come along and give him a sentence of three months. In other words, there is no uniformity and no classification, no tying down of the hands of the judiciary, as far as any actual legislation is concerned, with respect to the differences in the degrees of this crime, and there is absolutely no way that you can control the judges in whatever decision they may make. Their decision is absolutely final.

Then, there is another angle of this bill that I would like to discuss for a moment, and that is the question of the unscientific manner in which the bill has been drawn.

If you will turn your attention to section 2 of this bill you will see that nothing in this bill—or whatever the language may be—shall in any way eliminate what they call the minimum penalty for the first or any subsequent violation of the law. Now what does that mean? What they intended to say, without any doubt, Mr. Speaker, was that whenever it happens there is a minimum offense described for the violation of law, for a second offense the judge must impose at least the minimum sentence prescribed. They do not say, however, that the penalties now described in the law for second offenses shall be retained—they say the minimum penalty—using the singular—shall not be eliminated. Instead of providing under the second paragraph or clause when a man commits an offense, the penalty of which is partly a fine and partly a prison sentence, that the penalty may be not less than such a sentence and not more than such a sentence, they say that you must not eliminate the minimum penalty. As a matter of poor draftsmanship it simply means in this farcical legislation that the judge is obliged to give the minimum penalty provided only for such second offense and not in the gradation provided in the present law. So he may, inconsistently, give more for a first offense than he could give legitimately for a second offense, because they provide that the minimum penalty only under the law shall not be eliminated.

Now I am in sympathy with the object of this bill. The object is to get after the commercial fellow, the big bootlegger. I am in hearty sympathy with that purpose. If legislation should be provided so as to reach that particular type of offender most of the Members of this House, I am sure, would be glad to vote for it. But this legislation is not going to accomplish the object it seeks to accomplish. In the first place, you are increasing the maximum penalty in first offenses to such an extent that you will have difficulty in getting convictions under this act. I have been a prosecuting attorney and have tried many violations of liquor cases, and I tell you in all sincerity that with this increase in the maximum of the penalties for first offenses under this act you will never get the convictions that you must secure in order to obtain adequate law enforcement.

Now, it is a particular bill we are dealing with, not the whole question of prohibition. The bill is carelessly and inartistically drawn. We want to see a good bill, a bill about which we can go home and look our constituents in the face and say, "We have passed a good bill." Do you want to go home and say that you have passed a bill increasing the penalties twentyfold for some trivial first-offense violations under the law? Do you want to go home and say that you have passed a bill making every violation of the liquor law a felony? Do you want to vote for a bill that is so inconsistently drawn that no one, not even the members of the Judiciary Committee of this House understand exactly what it means? [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I yield two minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, back before the eighteenth amendment, back before prohibition was a State issue, when the county was the unit, in fact, from my earliest public interest, I have fought for and with drys. During all this time my friends and neighbors know that my private habits were in keeping with my public utterances. I am and have been sincerely hopeful of seeing this issue settled for all time by the freeing of the country from the evils of intoxicating liquors through the honest enforcement of the laws.

I am getting tired of the issue being made a football of politics; tired of politicians who never before advocated or practiced the principles deceiving an unsuspecting public by loud protestations and being elected to office as champions of temperance. In this I make no distinctions—from President of the United States down to constable.

In the recent election many claims were advanced by the friends of the President elect concerning his great executive ability and genius for creating great organizations to do just such work as enforcing prohibition. "He fed Europe and was capable of drying up the United States." Since the election, however, those who made such claims have been, with the approval of the President elect, running from all opportunity to vindicate them. When Docteur Doran, prohibition head, stated that it would require \$300,000,000 (less than one-tenth part of the annual expenses of the Government) the friends of the President elect immediately denounced the suggestion and defeated the Senate amendment furnishing the money. Then Mr. BYRNS, of the Appropriations Committee, offered an amendment to provide the President with \$24,000,000 to cover what was actually in demand by the Coast Guard and several other enforcement units. This met the same fate from the same source.

Thus far honest-to-God enforcement is still unsought by the leaders of the party in power.

All of us who believe the fundamental principles of the Government as taught by Thomas Jefferson, who have supported the eighteenth amendment and its enforcing acts, must admit that we have at times found ourselves in embarrassing conflicts of thought. Believing the evil to be cured called for drastic treatment, we resolved our doubts in favor of legislation which we believed would be practically effective rather than theoretically sound.

Again we are confronted by this bill with the necessity of approving legislation in several ways more extreme than we would ordinarily employ or be numbered among those who have abandoned the objective for which we have labored so long and which we hold so dear.

The liquor forces, a rebellious set at all times, are responsible, by reason of their organized determination to nullify the will of the majority of the American people. I have reached that point where I believe that any appropriation, however large, and any law, however drastic, that will bring this situation to such a crisis, focussing the attention of temperance people upon the situation, to awaken them from the lethargy which permits placing in power of men and administrations who will pass legislation to satisfy the drys and so enforce it to satisfy the wets, are justifiable. We have reached the situation where the bootleggers and the law breakers are voting with those whose original purpose was to destroy them. In the early days of prohibition activities, the bootleggers voted with the wets; they now vote with the drys, and I for one am not proud of the association.

Mr. Speaker, I support this legislation not because as a legislator I approve all of the principles which it embodies but by reason of the deplorable situation which makes it necessary. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I yield four minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman and gentlemen of the committee, the apparent purpose of this bill is to authorize the Federal courts to impose penalties for the violation of the national prohibition act commensurate with the offense. It was my privilege to be a public prosecutor prior to entering Congress. I think I can, therefore, appreciate the force and effect of statements that have been made here that you can not, by merely making penalties severe, secure law observance and prevent its violation. More important than severe penalties is an alert police force fairly certain to detect violations of law, a competent prosecuting officer to speedily prosecute, and a court that will promptly administer an adequate sentence. Fairly certain and prompt detection of crime, with the certainty of immediate prosecution and upon conviction certain and immediate imprisonment, will do more to prevent law violations than mere statutory penalties that appear severe.

I appreciate this. Yet there is an occasion for substantial penalties. The penalty should be sufficient to deter not only the defendant but others from committing a similar offense. There is the possibility of great financial gain in the bootlegging business. Much money is to be made in going into the business on a large scale. There should be some place in the national prohibition act a penalty sufficiently severe to deter those who would like to violate the law.

Mr. Chairman, under section 29 of the act the maximum penalty for manufacturing or selling is a fine of not more than \$1,000 or imprisonment not exceeding six months. Take, for example, the case of a person who is in the business of diverting industrial alcohol from its legitimate use and converting it into alcohol for beverage purposes. The possibility of profits runs into tens of thousands of dollars. What is a \$1,000 fine to such a man? What is six months in jail with the possibilities of profits of that amount? Nothing. Under existing law even the second or subsequent offender can not be fined more than \$2,000 nor imprisoned for more than five years. This is true no matter how many times he may violate the law and come up for sentence. Therefore it appears to me that if we believe in the enforcement of the laws of the land that we ought to provide penalties commensurate with the offense. [Applause.]

Gentlemen, that is what this bill does. The minimum is left where it is; that is, nothing. The maximum fine is \$10,000. The maximum imprisonment is five years, or it may be both fine and imprisonment, depending upon the offense and the offender. All of this is left in the discretion of the court. That is what this bill does.

Furthermore, here is the way I look at the part the Federal Government should take in this question of prohibition enforcement. The Federal Government went into this business because it appeared that that was the only way that the evils of the liquor traffic could be successfully dealt with. There was no intention whatever to relieve the States of responsibility to

enforce the law. Therefore, both the States and the Federal Government were given concurrent power. The States, therefore, have the same police power and the same responsibility under the eighteenth amendment that they had before its adoption. It is their business to enforce the law, and especially as to the small violator of law in the various communities and localities. That is essentially a police matter. It can be done by an honest and alert police better than it can be done by Federal officials.

On the other hand, the Federal Government is in the position to better cope with the large and powerful and wholesale violator of the law. If I am correct in this, then the Federal law should provide a penalty for this type of criminal. That is what this bill is designed to do. That is where its merit lies, as I see it.

It has been said here that if this bill becomes a law, Federal prosecuting officers will not be able to proceed by information but that they will have to proceed by indictment. At the present time, it is my understanding that the United States district attorneys can prosecute under section 29 of the national prohibition act through an information instead of awaiting the action of a grand jury. Article V of the Constitution provides that no person shall be held to answer for an infamous crime, except through a presentment or indictment by grand jury. I have not had time to look up the authorities but I am inclined to think that where the maximum penalty is five years that this would be considered an infamous crime and that an indictment would be necessary. However, penalties are prescribed in the national prohibition act not only for illegal manufacture, sale, transportation, importation, or exportation but for possession and other violations of the law not embodied in these words. The small violator of the law, if prosecuted in the Federal court, can be prosecuted on a "possession" count. It is my understanding that it is common practice to-day among the United States district attorneys to charge both possession and sale, and to accept a plea of guilty to the charge of possession for the first offense. There is no reason at all why the use of information for small offenders can not be continued. Notwithstanding the objections that have been made here and after giving this measure a great deal of careful consideration, I am of the opinion that we ought to change this law, and I favor passing the bill as it has been reported out in the committee.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. LAGUARDIA. The gentleman has had experience as a prosecutor and is an able lawyer. Will the gentleman state that this bill is drawn in a lawyerlike fashion, and that it means anything definite?

Mr. NEWTON. It is not in the language that I would have used if I had been drafting it, but it is in language that can be understood, and which, in my judgment, can not be successfully misinterpreted. If we are going to change this law, we must pass it as it is. This is on account of the parliamentary situation.

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. BEEDY. I am in sympathy with this law, but I want to ask the gentleman as a lawyer some questions. I have prosecuted a little myself. What does the gentleman think the court would say when it attempts to impose this penalty under the proposed bill of the language:

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act.

Are there ever penalties prescribed in a criminal prosecution? In other words, to make this a law under which you could impose a penalty and keep a man in jail and hold his money, have we not to cut out five words? Ought it not to be—

Wherever penalty or penalties prescribed by the national prohibition act?

Mr. NEWTON. No; it does not mean that. It means penalties prescribed in the act for a criminal act.

Mr. BEEDY. In a criminal prosecution?

Mr. NEWTON. It means penalties imposed for a criminal act as distinguished from other penalties.

Mr. BEEDY. But it does not say that. It says—
penalties * * * prescribed in a criminal prosecution.

No criminal prosecution prescribes penalties. The language is nonsensical.

Mr. NEWTON. That is what I meant when I answered the gentleman from New York [Mr. LAGUARDIA] as I did answer him. But at the same time the fact remains, nevertheless, that while the text is not satisfactory it is apparent what is meant. I do not believe that its meaning can be successfully misinter-

preted when construed in connection with the debates in the other body, where that particular phrase was inserted. Furthermore, with reference to the original House bill (H. R. 9588), and the report accompanying it, they clearly show what the meaning is and what was intended. I want to repeat what I have heretofore said, that if I had been drafting this measure myself I certainly would not have used the language that was used.

Mr. BEEDY. I am in sympathy with the bill, but I want it right.

Mr. NEWTON. Mr. Chairman, for the reasons given I favor providing additional penalties to meet arch conspirators and violators of this law, and I hope that this measure will pass.

Mr. CHRISTOPHERSON. Mr. Chairman, I yield the remainder of my time to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman and gentlemen of the committee, I am not going to discuss the question of prohibition. Prohibition is with us, it matters not whether we like it. It is a part of the Constitution. We have but one constitutional duty, and that is to enforce the law of the land. I am one of those who believe in enforcing the law. I think no Member of this body will attribute to me the habit of being fanatical. I am not a dry fanatic and I am not a wet fanatic. I hesitated a long time as a member of the Committee on the Judiciary before I voted to bring out the Stalker bill. Because I felt that we should go slowly and accomplish as we proceed, but the time has arrived when the Department of Justice asks us, the Congress, to give it more legislation. They are asking for this particular legislation, and they want this bill passed as it is here suggested, without the crossing of a "t" or the dotting of an "i," even though it seems to me ridiculous so far as some of the language is concerned. That is a funny thing for me to say, perhaps. As a member of the Committee on the Judiciary I have no hesitation in saying that the bill as reported by the committee was a well-worded, concise bill, expressing clearly what was intended. The Jones bill in the Senate and the Stalker bill in the House were identical bills, each being favorably reported. The purpose of each bill was to increase the maximum penalty which the court might in its discretion impose for all criminal violations of Title II of the national prohibition act.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I regret I can not. The Senate, on the floor of that body, placed some amendments in this bill. The first two of those amendments do not mean anything in my judgment. They do not sound well. They are not vicious. They are perfectly harmless; they are innocuous. Section 2 of the bill was added by the Senate and has a definite purpose. This section was inserted for the purpose of saving minimum penalties provided in existing law, and the first minimum penalty referred to is found in section 29 of Title II of the national prohibition act, and is as follows:

For a second or subsequent offense [the violator] shall be fined not less than \$200 nor more than \$2,000 and be imprisoned not less than one month or more than five years.

Under section 2 these minimum penalties will be retained in the law, without section 2 they would be repealed. I say repealed having in mind Revised Statutes, section 13, which is a saving statute, and which in my judgment refers to offenses committed and liabilities incurred before the enactment of the repealing statute.

The gentleman from Maine [Mr. BEEDY] called attention to a particular clause in section 1. There is no question in my mind but that the phrase to which he referred was inserted in the wrong place by the Senate. If the words "in a criminal prosecution" were to be inserted, it seems to me that they should have been inserted after the word "penalties," in line 3, rather than after the word "prescribed" in the same line. I do not approve of the Senate amendment from any standpoint, but it will not destroy the purpose of section 1.

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. No. I have only a minute or two. I want to call attention to some of the objections to the bill raised by the gentleman from Massachusetts [Mr. STOBBS], a member of the committee, with whom I am usually in accord on legal propositions. He tells us that there would be no uniformity of sentence if this bill becomes a law, indicating that in some jurisdictions one kind of sentence would be imposed, while in other jurisdictions more severe or less severe penalties would be imposed. I presume he adopts the reasoning of the gentleman from New York [Mr. O'CONNOR] who indicated in his remarks that the severity of the sentence would be measured by the judge's feeling toward the prohibition law. We must of necessity leave some discretion in these matters to the courts, and when we reach the stage where we can not trust the dis-

creation of our courts in these matters, then the trouble is in the type of judge, not in the law and not in the system. If the offense against the law is burglary, the court has a discretion as to the severity of the penalty, and this is true in practically all of our criminal statutes, and there is no uniformity as to penalty unless it be a minimum and a maximum, or a definite penalty for all like offenses. Some burglaries are more aggravating than others. In some cases the offender is a hardened criminal; in others he may be a first offender, and I insist that we must not depart from the practice of lodging proper discretion in the sentencing court.

Mr. STOBBS. Mr. Chairman, will the gentleman yield right there?

Mr. MICHENER. No; I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MICHENER. The gentleman from Massachusetts joins with the gentleman from New Jersey [Mr. FORT] in arguing that to increase penalties will decrease convictions. That if this bill becomes a law that we will have less convictions and fewer people to sentence to jail for violation of the law. On the other hand, the lady from New Jersey [Mrs. NORRIS] tells us that "If the provisions of this bill become law, it will cause the United States Government to go into the building business, for we have not now and could not build enough jails to provide the carrying out of the law." Quite evidently Mrs. NORRIS feels that there will be more convictions because the bill provides no new minimum penalties but only increases the maximum, and the discretion would still be in the court.

Let us not forget that for first offenses under the present law the offender may be fined not more than \$1,000 nor imprisoned not exceeding six months, and no one has pointed out a single case where the court has abused its discretion and sentenced the boy at the football game, of whom the gentleman from Massachusetts has spoken, and who has a flask on his hip, for the maximum penalty. This class of offender will have all the rights which he now has under the law, with the court having an additional right to give commercial violators a sentence that will really mean something. I do not find that anyone has called attention to the probation statute, a very wholesome law now on our statute books, by virtue of which the court may place on probation, without inflicting further penalty, any first-offense violator under the prohibition law. It seems to me that every safeguard is thrown around the casual offender against the prohibition law. This is as it should be, and at the same time teeth should be put into the law so that he who would violate the Constitution and the law for the purpose of making money may be dealt with in such a manner that the punishment inflicted will mean something.

If the parliamentary situation were different, I should be pleased in joining to eliminate all the Senate amendments in section 1 of the act. However, we all realize that in a few hours the Seventieth Congress will end, that an amendment to this act will in effect kill the legislation, and therefore I, for one, am willing to vote for the measure with the harmless Senate amendments. At most these amendments are surplusage. I believe the sentiment of the majority of the people of the country to-day demands that every reasonable effort be made to enforce the prohibition law, and that Congress is expected to vote sufficient funds and to enact proper law to bring about proper enforcement. Those charged with enforcement of the law insist that this measure will aid in enforcement. It can do no harm. It would work no injustice. It is not legislation new in its character, and there would be little opposition at this time if the law pertained to anything other than prohibition. Many of the leading opponents to this bill in this body have, as a rule, opposed all law and appropriations looking toward the enforcement of the law, and the time has arrived when the country is demanding that legislation be enacted to enforce the law rather than to protect the bootlegger.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both: *Provided,* That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law.

Mr. TUCKER, Mr. O'CONNOR, Mr. CELLER, and Mr. SABATH rose.

The CHAIRMAN. The member of the committee from Virginia [Mr. TUCKER] will be recognized.

Mr. TUCKER. Mr. Chairman, I submit an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. TUCKER].

The Clerk read as follows:

Amendment offered by Mr. TUCKER: Beginning in line 9, page 1, after the words "shall be," strike out the remainder of section 1 and insert the following: "After the first offense, for a casual or slight violation of said law, a fine not to exceed \$2,000 or imprisonment not to exceed one year, and for any offense for habitual sales or transportation, importation, exportation, or illegal possession, indicating a commercial business, a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both."

Mr. O'CONNOR of New York. Mr. Chairman, I want to offer an amendment to that amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. TUCKER. Mr. Chairman, I do not desire to discuss this bill. I am in favor of providing at this time more effective enforcement of the prohibition laws by increasing the penalties of the law. The purpose of my amendment is to do this very thing. If adopted, it will subject to more severe punishment the bootlegger and others who deliberately and systematically violate the law—*selah*—and at the same time it will save from that punishment which the Constitution forbids and describes as "cruel and unusual" those who may be charged with what we all recognize and the bill itself recognizes as casual and slight violations. It will make all this certain without trusting the individual judges with varied prejudices to make it certain; and if this amendment is adopted I shall vote for the bill. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I have a high regard for my good friend from Virginia [Mr. TUCKER]; nevertheless, I must oppose this amendment. I am not going to argue the merits of the amendment. I simply want to say this, that it is realized that if this bill is amended in any way, it means the death of the bill. We are wasting our time if we attempt to amend it. We must pass the bill only in its present form. You can not amend it without delaying it in the other body. [Applause.]

Mr. Chairman, I move that all debate on this amendment be now closed.

The CHAIRMAN. The gentleman from South Dakota moves that all debate on this amendment be now closed. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. O'CONNOR of New York. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 114, noes 103.

Mr. O'CONNOR of New York. Mr. Chairman, I ask for tellers. I am not in favor of wasting time. We have not had adequate time allowed to us.

Mr. CRAMTON. Mr. Chairman, as I understand it, the motion has reference only to the pending amendment?

The CHAIRMAN. Yes. Tellers are demanded.

Mr. O'CONNOR of New York. Mr. Chairman, I will withdraw my demand for tellers. I have an amendment to offer to the same section if I am permitted to debate it.

The CHAIRMAN. The motion to close debate on the amendment is agreed to.

All debate is closed on the amendment. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. TUCKER].

The question was taken; and on a division (demanded by Mr. TUCKER), there were—ayes 130, noes 109.

Mr. CRISP. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Chair appointed Mr. CHRISTOPHERSON and Mr. TUCKER as tellers.

The committee again divided; and the tellers reported that there were 126 ayes and 149 noes.

So the amendment was rejected.

Mr. O'CONNOR of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of New York: Page 1, lines 9 and 10, after the word "be" in line 9 strike out the rest of that line and all the words in line 10 and insert in lieu thereof the words "capital punishment."

Mr. CHRISTOPHERSON. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. O'CONNOR of New York. Mr. Chairman, I strike out one form of punishment and substitute another.

The CHAIRMAN. Does the gentleman desire to be heard any further?

Mr. O'CONNOR of New York. No.

The CHAIRMAN. Does the gentleman from South Dakota desire to be heard?

Mr. CHRISTOPHERSON. I will reserve the point of order if the gentleman desires.

The CHAIRMAN. The Chair overrules the point of order.

Mr. O'CONNOR of New York. Mr. Chairman, I offer the amendment for two purposes; first, to demonstrate the temper of the House on this question. I am confident that my amendment to provide for capital punishment, if it would not defeat the bill, would receive at least 300 votes in this House. Such is the spirit and such is the state of mind of full-grown Members of Congress on this subject of prohibition.

I rose principally to answer, probably unnecessarily, certain remarks in the nature of a gratuitous castigation of me by the gentleman from Ohio [Mr. MOORE], who claimed to be astounded at some remarks of mine in yesterday's RECORD, and more astounded that I did not revise them after having uttered them on the floor, in which I said I was opposed to the eighteenth amendment and detested the Volstead Act. He recalled to me the oath I had taken. In the first instance, I want to dispel a delusion that has permeated this land. A common phrase used throughout this land by Congressmen and by candidates for President is that when a man is elected to this body or to the Presidency he takes an oath to support the Constitution and "the laws of the land." Well, I never took such an oath. I will read you the oath. Nobody seems to recall its contents, although the distinguished Speaker must know them, because he has administered it so often. The Constitution says:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Not one word is said about "the laws of the land." That is my first point, so forever dispel that delusion from your minds.

When I swore to "support" the Constitution of the United States I did not swear to get down on my knees and worship it. I did not forever foreclose my opinion as to how I felt toward any one or more articles or amendments. Why, if you carried that argument to a logical conclusion, any time a man introduced an amendment to the Constitution he would not be "supporting" it. Under the theory of the fanatical "drys" he must love every article; he must love every amendment as a part of the decalogue. Yet, I know countless men in this body who hate and despise many of the amendments. I reserve the right, gentlemen, to challenge any amendment to the Constitution; I did not swear to "support" it as a fetish. It is ridiculous, and it is puerile to suggest that a Member can not disagree with an amendment. I do not have to worship the laws of my land, and I do not have to bow the knee at the throne upon which they are enshrined. I can move to repeal them and to amend them. I can criticize them.

Now, what is all this hullabaloo about? Who is "supporting" the Constitution of the United States? I maintain I am in the interests of millions of our people. Are you "drys" supporting the Constitution or are you bowing your knees in submission to the organizations which place themselves above the Constitution of the United States. Are you pledging your "full faith and allegiance" to the Constitution or are you catering to the Anti-Saloon League, whose leader and whose dictator sits there in the corner of the gallery watching your every move, sending messages down here to somewhere, I do not know. There he sits, Doctor McBride, the "superpresident" of the United States, shaking his black mane in approval or disapproval. Many of you are well aware he is there. His organization is the "constitution"; that is the "amendment" you drys hold in such reverence—not the eighteenth amendment of the Constitution of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOORE of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. MOORE of Ohio. Mr. Chairman, I have risen in opposition to the amendment, and I object.

The CHAIRMAN. The gentleman from Ohio has been recognized, and he can not be taken off his feet.

Mr. MOORE of Ohio. Mr. Chairman, talk about ridiculous amendments. This is surely the height of ridiculousness when the gentleman from New York [Mr. O'CONNOR] offers an amendment providing the death penalty. It just shows how earnest the gentleman is in the interest of law enforcement. I am glad the gentleman read the oath that we take. I wish he had read section 2 of the eighteenth amendment, which provides that—

the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

I look upon this, as other men do, that it became my duty to pass an enforcement statute.

The gentleman says, and I give his language again that it may not be forgotten, and I am surprised he did not apologize for it—

I am against the eighteenth amendment.

And yet that amendment is in the Constitution and just as much the Constitution as any other part of it.

Then he says:

I abhor it. I despise it.

I contend this is not proper respect for the Constitution of the United States. [Applause.]

And he further says:

I would not counsel anybody to even respect the law.

And yet the gentleman is a lawmaker. I believe in being law observers, too. The gentleman is unwilling to counsel anybody to respect a law that has been enacted and passed the House and the Senate of the United States.

So I make no apology. I make this argument sincerely. Not because of the personality of the gentleman from New York [Mr. O'CONNOR], do I attack his position, but because it is untenable and because I believe he strikes at the very foundation of government itself. I concede the right to change the Constitution and the laws in the proper way but not to nullify them while they are in existence.

The gentleman referred to organizations. I do not know to which one he responds, but I may surmise. There are men here who believe in a sober nation and who believe in good, clean government, and I contend the attitude of the gentleman, as expressed in his speech the other day, is inimical to the best interests of the Government, law observance, and law enforcement. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I move that all debate upon this amendment do now close.

The motion was agreed to.

The amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Chicago [laughter] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SABATH: After the word "exceed," in line 10, strike out the word "five" and insert the word "one."

Mr. SABATH. Mr. Chairman and gentlemen, inasmuch as my good friend the Chairman recognized me as "the gentleman from Chicago," instead of in the usual manner, "the gentleman from Illinois," and since my subject is to be the Volstead Act, I take it that the Chairman and some of my other friends in the House evidently think there is something queer with Chicago so far as the subject of prohibition is concerned.

But, gentlemen, notwithstanding what you have been reading in the newspapers of late about our city, I am still proud of the fact that I am a citizen of the great city of Chicago. The fact is that during the last few years we have had a Republican mayor and a Republican administration at the helm in Chicago, and I must admit that a number of things of which we Chicagoans are not any more proud than you, have, due to prohibition, taken place. [Laughter and applause.]

I repeat that I am still proud of Chicago, however, because the great rank and file of the citizens of Chicago are just as peaceful and law-abiding, just as careful of their conduct and jealous of the reputation of their city, as are the citizens of any other community in the United States. The adverse publicity that the city of Chicago has been receiving of late is not due in the slightest degree to the average man or woman of my city, but to rival cliques of prohibition-made gangsters.

And I desire to be understood as charging here on this floor now that it is the prohibitionists and their allied forces and co-workers, the Ku-Klux Klan fanatics, that are responsible for the existence of the gunman and the racketeer in Chicago. The

bootlegging and the gang killings of my city and of other cities in the United States are not the by-product, but the direct product of the Volstead Act, and the supporters of this crime breeding legislation must claim this new cult of American criminals entirely as their own, and take the responsibility for their existence.

But it was the combination of prohibitionists and Ku-Klux Klan that brought about the defeat of Mayor William Dever, one of the cleanest mayors the city of Chicago ever had, because forsooth, he was not of their religious faith, and because he was a Democrat. The advocates of the Volstead law and the Ku-Klux Klan gave their support to bring about the election of the Republican mayor under whose misrule the gang murders you have been reading about have taken place in Chicago. But notwithstanding the fact that I am not here to defend the administration of Chicago's present mayor, I desire to state it as my opinion that even if he had tried his utmost to enforce the prohibition law he could not have done so.

BOOTLEGGERS, HIJACKERS, AND GUNMEN UNDERMINING CITY, STATE, AND NATIONAL GOVERNMENTS

This law has brought into existence a combination of forces of the underworld that is so powerful and resourceful as to be able to successfully defy control. So great has grown this evil machine of bribery and corruption that it has become a menace not only to city and State governments, but to the National Government as well.

This Congress that is now on the verge of adjournment has appropriated, directly and indirectly, around \$60,000,000 for dry-law enforcement in the United States for the next fiscal year, yet we know now and in advance that there will be and can be no real enforcement; that the law will be violated every minute of the hour, every hour of the day, and every day of the coming year during which this huge sum is to be expended. We know, and if we want to be absolutely honest, we must admit that it will be violated within the very shadow of the Capitol Building in which we sit to-day, if indeed, not in this very building itself; it will be violated not only in every block in the city of Washington, but in every block in every large city of the land; in the towns and hamlets and cross-roads, out on the prairies and deep in the forests; wherever in this broad land humanity dwells. But the governments of neither the towns nor the cities nor the Nation will receive a penny of tax on this enormous liquor consumption.

The profits of this stupendous traffic in illegal and often poisonous liquor, profits amounting to a greater sum over the entire country than those of many foremost industries of the Nation, will go in their entirety to this organized machine of underworld gangsters, some of it to find its way into the pockets of public officials who will consent to be bribed, and the remainder to give still further power to the racketeer, the hijacker, and the killer. All this, unless we are too dumb to occupy a position of public trust, we know, and yet we must sit here helpless and watch this prohibition-where-there-is-no-prohibition farce continue.

NO MORE LAW VIOLATIONS IN CHICAGO THAN IN ANY OTHER LARGE AMERICAN CITY

I admit that we have a certain amount of crime in Chicago, but where is the community or the city that has not? Investigation will show there is no more crime in Chicago in proportion to its enormous population than in any other city or section of the United States. Later in these remarks I will, in fact, present to Congress official figures of the United States Government showing there is actually less law violation per capita in Chicago and the State of Illinois than in the Southern States that have sent the leading and most obnoxious "dry" advocates to Congress.

But while I have the opportunity I want to emphasize with all the vigor that I can command that the city of Chicago is as good a city as any in the United States, and that citizens and visitors there are as safe as in any place in this country. I challenge the strongest and most vicious enemy of Chicago to point out a single instance in the last five or six years where an out-of-town visitor there has been molested in any way or interfered with. Fortunately, these gangsters that you read about have the happy custom of confining their killings within their own ranks, and to their own kind.

If, instead of passing this bill to increase the penalties for violation of the prohibition law, you will take my advice and amend the Volstead law in a sane and moderate way, I can assure you that law and order will prevail in Chicago to a greater extent than in perhaps any other city, because the vast majority of our people are law-abiding, but they feel that the prohibition law is unjustifiable and should be repealed or at least amended.

CONGRESS CARRIES OUT THE ORDERS OF PROHIBITION LEADERS WHO SIT IN THE GALLERIES AND ISSUE ORDERS

The gentleman from New York [Mr. O'CONNOR] pointed out a gentleman in the gallery who is giving this House its orders. Well, he is not the only one. There are others. The Anti-Saloon League is now working in conjunction with the secret organization known as the Ku-Klux Klan, with such leaders and bishops as Cannon and Wilson, with the aid of Mr. McBride and other fanatics.

Well, I know what the result will be with respect to my amendment. I know it will not succeed. The word has been given you and you must vote, but I do want to congratulate the 126 Members who only a few moments ago, voted for practically the same amendment offered by the gentleman from Virginia.

A Member of the House, a few moments ago, attacked the gentleman from New York [Mr. O'CONNOR] because he has courage to advocate an amendment of the Volstead Act or the eighteenth amendment. Nullifiers? You, the prohibitionists, are the nullifiers and not we, who advocate the amendment of the Volstead Act or the eighteenth amendment.

When you advocated the eighteenth amendment, were you dissatisfied with the Constitution?

You were then opposed to the Constitution of the United States. You wanted to have it changed, and you changed it by the adoption of the eighteenth amendment. I want you to read Article IV in the Constitution, Article V, Article VI, Article VIII, and Article XIV, and by reading them you will be obliged to admit that you are the nullifiers of the Constitution, and not we who advocate in a proper way, in a legal way, the amending of the Volstead Act. Therefore I think it is manifestly unjustifiable on your part, you who have violated the Constitution, when you forced in a legal way the eighteenth amendment into the Constitution, to now accuse us of being the nullifiers!

If gentlemen who are giving you orders, like Bishop Cannon, and his assistants, would give a little more time to the church instead of to politics, I think they would be doing the country a great deal more good. It seems to me that instead of serving God first they seem to be in favor of the devil, and allowing the church and the people go to the devil instead of serving God. [Applause.]

BILL IS THE MOST CRUEL EVER PRESENTED TO A CONGRESS

Mr. Chairman, I can not support this bill. It is entirely too drastic. It is indefensible. After studying its provisions I am firmly convinced that it is contrary to the letter and the spirit of the Constitution of the United States, which sets out that—excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

This bill makes it an offense for a man driving along the public highway with a half pint of liquor on his person for his own personal use, and not for sale, punishable by five years in the penitentiary and a fine of \$10,000. A farmer who drives to town with a gallon of cider for a friend might be sent to the penitentiary for five years and made to pay a fine of \$10,000. A man or a woman may be made to pay the same penalty if found guilty of making a pint of home brew for their own use. Five years in prison and a \$10,000 fine for an offender of the prohibition law, no matter what might be the circumstances in the individual case! It is possible under this bill, and it is cruel! I for one will not be a party to it. Such a law could possibly place a trivial offender in the same category with the murderer, the rapist, or a man who robs a train or burglarizes a bank. God pity the son or the daughter of any Member of this body or of any citizen of our land who may run afoul of this barbaric law. It would ruin the entire life of such an unfortunate lad or girl. I would not wish such a law on even my worst enemy.

I know that the proponents of this bill which is soon to become a law will answer that it is so worded that it is left to the discretion of the Federal judges to determine the degree of punishment to be meted out to the offender, and that the minimum penalties still remain in the bill. But we all know there are judges and judges, and I for one am not willing to write into the statutes the power for any judge to inflict such a penalty for a minor law infraction as will become possible under this bill.

TO SEND YOUNG MEN AND WOMEN TO PRISON IS OFTEN TO SEND THEM TO HELL

I wonder whether the average Member of Congress who is supporting this legislation has ever stopped to contemplate what it means to send a young man to prison. I can not believe so, else he would ponder well before he cast an affirmative vote.

Let me present the picture here as United States Senator REED of Missouri presented it to the Senate:

In two short years 125,000 to 130,000 have been jailed (for violation of these prohibition laws), an army as great as has conquered kingdoms; a mighty host of human beings, with hearts that beat, with nerves that feel, with souls to be exalted or destroyed. Into prison cells in contact with vice, with every form of horrid crime, these men were thrust, and thereby you think you serve the good and merciful God.

Turn your eyes to that picture and answer whether a law that does a thing like that to men who have only responded to an appetite, ingrained in man from the first, is not what I denounce it to be, a crime within itself.

Look again at the picture. Poor boys and impoverished mothers are sentenced to hard labor until death shall break their prison bars. And for what, pray? Because on the testimony of a sneak and informer they were convicted of having for the second or third time been caught with a little liquor in their possession, or of selling a drink to somebody who desired to buy it. Look closely at the picture. It is a shifting panorama—a tragedy running through the years—the victims are dressed in ignominious stripes. They hear the click of the lock that shuts them in forever. They are thrust into foul cells. They are forced into the parade of the lock step. They eat loathsome prison food. They speak in whispers. They are slaves toiling beneath the muzzle of rifles at hard and unrequited tasks. They are compelled to associate with the vilest of criminals. The light of hope has faded from their eyes. Despair has settled upon their souls and left its shadow upon their faces. They long for the fresh fields. Their nostrils beg for the breath of flowers. Their hearts ache for the loved ones left at home. And these victims, sirs, in the great majority of cases are not bad people. There lie within prison walls many boys who heroically sprang from the trenches and bravely faced the fire of the machine guns in France. There lie rotting within those cells many men who were useful citizens and who beyond all doubt were never guilty of a real crime.

Look once more! One hundred and thirty thousand human beings in prison stripes are marching in the lock step. The procession extends for miles. It winds in and out like the folds of a gigantic striped serpent. Leering at it from the side lines are the hard eyes of Bishop Cannon. Truly, the dream of Wayne B. Wheeler is realized. He has made "them believe in hell." And, merciful God, this occurs beneath the American flag. But still the fanatics demand punishment and yet more punishment. The cry is that of the degenerate Roman of Rome's degenerate days, "A man for the tiger and a man for the lion this morning, O good Quirites!" To this sad estate has the Congress of the United States and the American Government come.

BILL WILL INCREASE POSSIBILITY OF BRIBERY AND CORRUPTION

I firmly believe the enactment of this increased fine and imprisonment will be followed by more bribery of police, State and Federal prosecuting and district attorneys, prohibition officers, jurors, and courts than ever. While the poor man, the individual without political influence or wealth, will fall its victim, the wealthy man, and especially the rich bootlegger, will most often escape.

The price of illegal liquor will probably advance, meaning greater profits to the men engaged in the various branches of the bootlegging industry, and they in turn will have still greater sums to spend for bribery and corruption, and greater reason than heretofore for seeking to bribe and buy their way out of tight places. The big racketeers, who already have one or more convictions to their credit, may not be as willing to risk the actual personal transportation of liquor as heretofore, but they will have no difficulty in hiring plenty of men who have no convictions standing against them to run the blockade in their stead.

With the penalty so severe as provided in this bill, there will be more demands for jury trials than ever before, and the courts, already clogged with liquor-violation cases, will become so loaded down with prohibition-enforcement matters as to seriously slow up justice everywhere.

The severity of punishment in this bill is certain, too, to make conviction even less frequent than heretofore. It is going to be difficult to find 12 men who will agree on a conviction, knowing how harsh a penalty the court may impose.

And in the case of a defendant who has grown rich in the liquor business under prohibition, no one of the 12 jurors sitting on his case will be safe from approach by bribers and blackmailers.

GREATER PER CAPITA VOLSTREAD LAW VIOLATION IN "DRY" SOUTH THAN IN ILLINOIS, INCLUDING CHICAGO

It is a curious fact that the increase of arrests for drunkenness appears markedly greater in the former so-called dry States than in the former so-called wet States.

Another peculiar fact revealed by the official report of the Commissioner of Prohibition is that some of the States which send the leading dry crusaders to Congress are greater violators of the prohibition law, in proportion to population, than some of

the former so-called wet States. Much is said, for instance, about the "wetness" of my own State, Illinois. Now, I frankly admit the prohibition law is violated there, but you seldom hear the representatives of the "dry" States doing likewise. Yet the official report of the United States Commissioner of Prohibition shows that the number of arrests for violations of the prohibition amendment is greater per capita in the "dry" South, which produces our leading "dry" advocates, than in "wet" Illinois. The following figures are all taken from the report indicated, covering the year ending June 30, 1928:

State	Population estimated, 1925	Distilleries seized	Stills seized	Still worms seized	Fermenters seized	Spirits seized	Mash seized
Alabama.....	2,467,190	414	308	3	4,298	Gallons 8,207	Gallons 377,634
Florida.....	1,253,957	820	581	850	20,981	36,596	1,097,287
Georgia.....	3,058,260	1,919	1,484	934	19,379	33,351	2,456,067
Total.....	6,779,407	3,153	2,373	1,787	44,658	78,154	3,930,988
Illinois.....	6,964,950	330	935	191	91,431	75,193	1,618,234

This table and figures show that there were ten times as many distilleries, three times as many stills, nine times as many still worms, five times as many fermenters, and over twice the number of gallons of mash seized in the three States with a population of 200,000 less than that of the State of Illinois. And this notwithstanding that the laws are not enforced in these dry States to the extent that they are in my State.

PROHIBITION IS NOT BEING, AND CAN NOT BE, ENFORCED

Regardless of anything the advocates of prohibition may say, they can not successfully deny that the number of arrests for drunkenness is steadily increasing throughout the United States. No matter how large the appropriations for enforcement may be, no matter how severe the penalties may be, prohibition can not be enforced. Congress might, with as much prospect of successful enforcement, enact a law prohibiting man from mating with woman. It could be enforced just as easily, but no easier nor more successfully, than can prohibition, which means, in a few words, that it could not be enforced at all. Man was born in the world with certain natural instincts, and to the extent they are interfered with, even by law, he becomes to that same extent a slave, and by methods as sly and cunning as those of the slave, he may be depended upon to show his resentment of the barriers that he feels have been unjustly raised against his freedom.

The reason prohibition can not be enforced is that there are too many millions of Americans who do not believe in the justice of the law. It has been proven throughout the ages that the only law man will respect is a law that he, himself, recognizes to be based on common sense and justice. There are, for instance, millions of men and women who would not think of stealing a five cent piece, but who would not have the slightest hesitancy about accepting and drinking a cooling and refreshing glass of beer on a hot summer day even though it were a violation of a hundred laws. Now, why do men and women respect the law in one instance, and yet violate the other without the slightest quibble of conscience?

The answer to this paradoxical dilemma with which the United States is now confronted is that the wee, small voice within man which tells him what is sin and what is not sin, lets him know that it is morally wrong to steal. But he seems to receive no such dictate from his conscience when it comes to the matter of having his harmless glass of beer. He may drink it, and enjoy it, and forget it. His conscience does not seem to trouble him. Much less does he consider himself a criminal, like he would had he robbed some one. No doubt he feels within him that if on judgment day the worst thing recorded on the big book against his name is that he enjoyed his glass of beer, his chances of entering the pearly gates will be no whit less than those of the men who would have had him drawn and quartered for his exercise of this mere innocent personal pleasure, but who themselves went through life without either understanding or forgiveness for their fellow men. So the average man will indulge his beer, and he will lie down to sleep, untroubled. And the power does not exist that can convince that man that he is a criminal.

And, to my way of thinking, we may pass laws here until we are black in the face, and we may appropriate as many millions as we please to enforce them, but the masses will not respect them or obey them if they believe they are based on the other fellow's personal prejudice and not founded in justice and common sense. And in reaching a conclusion on these subjects it will be they, and not us, who will do the deciding as to whether they are based on prejudice or not.

WASHINGTON, D. C., AS A SAMPLE OF PROHIBITION ENFORCEMENT

The most practical proof of the fact that real enforcement of the prohibition law is impossible is that it never has been enforced anywhere, and it is not being enforced now. President Harding could not, or did not enforce it; Coolidge could not, or did not enforce it, and Herbert Hoover can not enforce it. He may be able to accomplish great engineering feats, but neither he nor any other man who may become President after him, not even a prohibitionist President, can change human nature.

It is possible to enforce the Volstead law anywhere in the United States, that place logically might be expected to be right here in the city of Washington, D. C. For it is here that the Congress of the United States is located, it is here that the President of the United States resides, and what ought to be more to the point still, it is here that the chief prohibition offices of the Government are located. If there is any one little spot in the country, I repeat, where the Government ought to make a showing, it is here within the shadows of the great buildings wherein are housed the prohibition enforcement machinery which is maintained at a cost of millions of dollars annually of the taxpayers' money.

Let us, then, examine the situation here in the Capital of the United States with regard to prohibition enforcement, or, more accurately speaking, nonenforcement. It was only a few days ago that Maj. Edwin B. Hesse, superintendent of police of the District of Columbia, submitted his report for the year 1928, so that in this instance we have available information that is almost right up to the minute.

Major Hesse, in spite of the fact that the admission might seem a reflection upon the efficiency of his own department, makes public a report which shows that the number of arrests for drunkenness in Washington during 1928 broke all records. In the 12-month period the Washington police took in custody 13,706 alleged "drunks." This was 174 per cent more than were arrested here for the same cause in 1911, when the town was supposed to be "wide open."

In 1911, when there was a saloon on almost every corner, the police here arrested only 4,988 persons for intoxication. Since then, under "prohibition," the number has been steadily increasing.

The fact that 13,706 arrests were made for drunkenness in Washington last year does not by any means imply that only that number of citizens were intoxicated in this fountainhead "prohibition" city of Washington. There were very likely many, many times that number intoxicated who were not arrested. For the average policeman here and elsewhere would rather not arrest an intoxicated man than arrest him, and, as a matter of fact, only does make an arrest for such offense when actually required to do so by reason of the fact that a person under the influence of stimulants becomes so disorderly as to attract general attention. The average policeman is not in sympathy with prohibition because, in the first place, he knows it is a farce and, because, in the second place, no one enjoys a sociable drink under proper circumstances—for instance, a hot toddy on a bitter-cold night at the hands of some sympathizing friend who can be duly trusted—more than does Mr. Average Policeman himself.

But it must appear evident to the merest school boy that if 13,706 persons in Washington in the single year 1928 were able to obtain sufficient liquor to become so disorderly as to require their arrest, that there must have necessarily existed plenty of places in America's Capital City where that supposedly non-existent commodity was in fact easily available. And that is the right answer.

For, as a matter of fact, the bootlegger and the "speak-easy" flourish in Washington much as in every other large American city, and this in spite of the presence here of Congress, the President, the heads of the law-enforcement officials, and, yes, with the utmost contempt for even the heads of the Anti-Saloon League, who sit in the galleries of the House of Representatives and the Senate telling those bodies what to do and what not to do.

It is estimated that to-day there are no less than 5,000 "speak-easies" open and operating in Washington, and if they could everyone be raided and closed to-night there would be as many more replacing them before the end of a week.

Yet in spite of the fact that prohibition has unloosed upon the country a horde of dangerous, lawless characters who are growing rich in the sale of illicit liquor, and in spite of the fact that prohibition does not make for temperance but for intemperance, and in spite of the fact that all admit the Volstead Act is being violated everywhere with impunity, yet our prohibitionist friends blandly tell us there shall be no amendment or relief though the heavens fall. And for the time being, I regret to say, this seems to be the fact. For, as one of our leading college professors recently wittily remarked:

The United States seems to be determined to have its prohibition and its liquor, too.

And he might have accurately added:

And its poisonous liquor, and its accompanying ever-increasing reign of lawlessness and public corruption, even to the very point of the destruction of the Government itself, along with its prohibition!

In fairness to the then President Coolidge I desire to make it plain that I am not intending to insinuate that he allowed the army of bootleggers to ply their trade during his administration almost under his very nose with his approval or consent. Even had he wished to do so, he could not have stopped the violation of the Volstead Act, for the simple reason that the people are not at heart in sympathy with the strict enforcement of the law. Too many of them, as the professor said, "insist upon their prohibition, and their liquor, too."

The real point that I desire to drive home in relation to Washington is that if the men in charge of the movement to make the country dry can not succeed even in the comparatively small territory through which they pass every day to and from their offices, and in which they live, how can they succeed or be expected to succeed in the cities and States far removed from their headquarters and personal influence? Again, the question answers itself: They can not.

LIQUOR IS SOLD IN WASHINGTON AS SUGAR IS SOLD IN GROCERIES

For the benefit of those who may think I am prejudiced in my picture of Volstead law violations in Washington, I will submit some evidence from the prohibition advocates themselves. The National United Committee for Law Enforcement on February 18, 1929—very recent testimony indeed—issued a statement depicting conditions here even worse than I have painted them. One heading is—

THE TRUTH ABOUT WASHINGTON

The Capital City is seething in lawlessness and saturated with poison liquor, dispensed by bootleggers under various aliases, operating openly and sold in hundreds of places as sugar is sold in groceries.

One does not need a card of introduction or speak the shibboleth of the underworld to obtain admission or accommodation; all that is required is a thirst and the price. Anybody's money is good for rotten rum in Death Valleys.

Washington is a Sodom of Suds, sold openly behind false fronts and fictitious names, containing from 4 to 60 per cent of alcoholic poison and in some cases so labeled.

We make no loose charges. We are not hiding behind "estimates" previously made, or charges now headlining the press, or being uncorked in fluid eloquence on the floors of Congress, but after personal investigation by trained operatives.

Hundreds of such places, scattered all over the city, and in some cases in solid blocks, and not far removed from the Capitol itself, are found to be operating in violation of the law.

DEATH VALLEYS IN WASHINGTON

For the past month the united committee has been making an undercover investigation into conditions in this Capital City. For this work we brought experienced and trained men from outside the city, and unknown in Washington. They report to us the places visited, the hour, the date, observations, character of premises, and purchases seen and made.

The places include hotels, back-room bars, restaurants, lunch rooms, barber shops, tailor shops, cigar, delicatessen, and candy stores, and private houses with "rooms to let."

SPECIMEN REPORT

No. 247. Entered; E Street NW.; cigar store; 12.15 p. m.; purchased five drinks of gin, 25 cents per drink; sold in back room with sign "No admittance" on door. Time, 20 minutes.

Then there is given a list of places visited and dates, following which the statement continues:

Here are 342 places in which the law is flagrantly and openly violated and in which wine, gin, red liquor, corn, or whisky was being sold, and purchased by the drink and bottle. In addition, there are numerous places all over the city where bottled "bay rum" is sold to all comers, containing 60 per cent of alcohol.

BOOTLEGGING ONE OF THE BIGGEST INDUSTRIES OF DETROIT

Passing from Washington, let us take a peep at conditions in Detroit, one of the largest cities in a State which sends one of the leading prohibitionists to Congress. I quote from an article in the Buffalo Courier-Express, which is headed:

SO THIS IS VOLSTEADISM

As an indication of the need of definite information from presidential candidates to what they mean when they pledge themselves to prohibition enforcement, Detroit's bootlegging industry may be cited. Doubtless, comparable figures could be obtained in any city situated as

Detroit is, in a border or coast district, where rum runners ply their trade.

Detroit's liquor business, including smuggling, manufacturing, and distribution, is estimated to employ 50,000 persons, with an output valued at \$215,000,000. It is second, according to a story printed yesterday morning in this newspaper, only to the automobile industry. The chemical industry is a big business in Detroit, but it is a "poor third" when compared with the bootlegging trade. Its annual production is valued at only \$87,000,000, or considerably less than one-half of the estimated value of the illicit liquor business.

In referring to Michigan I wish to take advantage of this opportunity of thanking and congratulating the members of the Michigan House of Representatives for having, according to newspaper reports, voted to repeal that provision of its barbarous State law under which the mother of six children and a mere boy have been sent to prison for life as fourth offenders for violating the liquor law.

POISON LIQUOR BEING SOLD UNDER VOLSTEADISM

Statistics show a startling increase in the death rate from alcoholism and from cirrhosis of the liver, a disease attributed to alcohol. Not only do they indicate the constantly increasing use of liquor under the Volstead Act but they indicate an increasing use of poisoned liquor. The figures obtained from the United States Bureau of the Census show that in virtually every State, whether called "wet" or "dry," the death rate has been mounting, and that the highest rate in the United States was in the State of Wyoming, which has consistently voted "dry." This State was not in the reporting area when the law went into effect in 1920, but between 1922 and 1926, inclusive, its death rate from these causes had risen nearly 200 per cent and now stands at 8.9 per 100,000.

Between 1914 and the taking effect of the Volstead Act, January 17, 1920, there had been a steady decrease in the number of deaths from alcoholism until the rate then stood at 1 per 100,000. By 1926 it had risen to 3.9 per 100,000, or practically four times greater. In 1920 the rate of deaths from cirrhosis of the liver was 6.2; in the figures for 1926 it was 7.5.

Says Senator REED of Missouri:

There was a Republican convention held in Kansas City. Some of the leading "political prohibitionists" were paying the bell boys \$7, \$8, \$9, and \$10 a pint for a class of whisky that no respectable Missourian would ever think of drinking.

It is a serious count in the indictment against the Volstead Act when 11,000 or 12,000 persons die from poisonous liquor in one year.

PUBLIC OFFICIALS WHO VOTE DRY AND DRINK WET

That many, many men in public life "vote dry and drink wet" is well known. Senator JAMES REED of Missouri, in his great speech in the Senate on February 16, 1929, referring to this subject, said:

The day will soon be here when the men who vote for prohibition that they may gain or retain office and who themselves violate the letter and the spirit of the law will be held in that contempt which justice demands should be visited upon all knavish hypocrites who wear the mask of pretended virtue. The day will soon come when judges who by brutal penalties have made malefactors of decent boys and men will sink into that obloquy which is the just reward of cruelty, oppression, and wrong.

Mr. President, I saw the original prohibitory law voted. I saw the veto of President Wilson incontinently overruled. I heard the affirmative vote of man after man who had drunk liquor all his life and who intended to keep on drinking. Time and time again I have seen prohibition bills come before Congress. I have heard roll call after roll call paralleling the one I have just described. Sir, the man who will vote to send his fellow man to jail for selling a drink of whisky and who will buy one himself is a coward—a canting and contemptible coward. I do not apply those terms to men who observe the doctrines they would force on others, but I hold in an abhorrence and contempt that can not be described in any tongue man has ever spoken the creature who to keep his place in the Senate or House of Representatives votes to make a felon of others for doing that which he himself connives at and practices.

SOME INTIMATE PERSONAL HISTORY OF THE BIGOTS WHO FORCED PROHIBITION ON THE UNITED STATES

It may be interesting right here to inquire into the personalities of a couple of the men who forced the crime-breeding prohibition upon the United States. One of these was the late Wayne B. Wheeler, head of the Anti-Saloon League that raised and spent, no one will ever know how much on themselves, some \$35,000,000 to "sell" prohibition to the American people. The following are a few excerpts from an article by Justin Steuart, who was formerly publicity secretary to Mr. Wheeler:

Wayne B. Wheeler controlled six Congresses, dictated to two Presidents of the United States, directed legislation in most of the States of the Union, picked the candidates for the more important elective State and Federal offices, held the balance of power in both Republican and Democratic Parties, distributed more patronage than any dozen other men, supervised a Federal bureau from outside without official authority—

We know that bureau was the Prohibition Bureau of the United States Government.

Where Wheeler sat was always the head of the table. He had an instinct for preeminence. A tireless opportunist, he dramatized himself as the champion of prohibition until the general public pictured him as a mighty St. George fighting single-handed against a swarm of dragons.

He loved the limelight. Attacks pleased him nearly as much as praise. * * * He urged the need of loyalty upon others, but frequently disregarded the orders of superior officers and ignored resolutions passed by the boards of the Anti-Saloon League, which were responsible for its political or legislative policy. He waited until boards or committees had adjourned and their members returned to widely separated parts of the Nation, and then forgot them.

He loved power. If power could not be won, he loved the semblance of power. He never attacked the administration. Such attack might be construed as evidence that he lacked influence with the administration. His favorite text was: "The powers that be are ordained of God." This did not prevent his own insubordination. Because of the influence over the policy of the Prohibition Department that would be his under the Haynes régime, he supported Rhy A. Haynes for Commissioner of Prohibition under the reorganization bill in the face of the objections of many of the sanest men in the league. By a political maneuver he prevented the election of the ablest man in the league to its national superintendency while he persuaded or dragooned delegates to support his own candidate.

He was the exponent of force. From his first days as superintendent of a district in Ohio, when he assailed the courts for leniency, to the end of his life he preferred threats to persuasion. * * * He desired the most severe penalties, the most aggressive policies, even to calling out the Army and Navy, the most relentless prosecution. A favorite phrase was: "We'll make them believe in punishment after death."

"PUSSYFOOT" JOHNSON HAD NO SCRUPLES AGAINST LYING AND BRIBERY TO ACHIEVE HIS ENDS

Another leading prohibition champion is "Pussyfoot" Johnson. As to this gentleman, we do not have to accept any second-handed information about him, for we take the following from his own testimony before a Senate committee. He was regularly on the pay roll of the Anti-Saloon League from 1917 to 1922:

Did I ever kill anybody? It has been often said that I did. Stories of slaughter have been repeated and printed. I let them pass, for in the wild days they served a useful purpose.

It served a useful purpose to have people think he was a killer engaged in a great moral movement!

They helped spread terror among the lawless, and that aided my work.

Did I ever lie to promote prohibition? Decidedly, yes. I have told enough lies for the cause to make Ananias ashamed of himself.

Did I ever bribe anybody? Yes. In 1913 I bribed some Russian officials to give me a lot of secret information concerning Section X of their Government administration. I bribed Eurasian railway officials all over India, because that is the accepted way of getting favors in that country. In my law-enforcement work for the Government I bribed many bad men to give me information about their associates.

That is the man who helped fix the moral standards of the people of the United States.

PRESIDENT WILSON CALLED "DRYS" "MISERABLE HYPOCRITES"

Were the late President Wilson in the White House to-day we know what he would do to the legislation now under consideration here. He would veto it. In this connection, there recently came to light information as to his reaction to the action of Congress in overriding his veto of the national prohibition amendment. His exact words on the subject were revealed by Dr. Hugh Young, of the Johns Hopkins Hospital of Baltimore, and published in newspapers throughout the United States on January 16 and 17.

Doctor Young was moved to break a silence of more than nine years by the reading of an editorial, *Setting the Record*, which appeared in the *Baltimore Sun*.

The editorial concerned the record by Ray Stannard Baker of Wilson's declaration of his belief in the advisability of the settlement of the liquor issue by local option in each community.

The war over, it was brought out that the President believed the prohibition of liquor, as enforced by the war-time prohibition act to conserve grain, was unnecessary.

At the time President Wilson expressed himself on these questions, in 1919, he was ill and was being attended by Doctor Young. As Doctor Young was conversing with the sick President, a messenger arrived at the room with the report of what the congressional body had done. The President grew very much incensed.

These miserable hypocrites, in the House and Senate—

President Wilson declared with vehemence—

voting to override my veto of the bill, many with their cellars stocked with liquors and not believing in prohibition at all—jumping at the whip of the lobbyists.

The bill is utterly unnecessary. It was passed during the war for the purpose of saving grain. The need has gone by. The country would be better off with light wines and beers.

I was tremendously impressed in Europe with what General Pershing had done to decrease drunkenness and disease by putting the American Army on a light wine and beer basis, through General Order No. 77. The war is over and there is no need for this bill.

PRESIDENT WILSON FAVORED LIGHT WINES AND BEER

In vetoing the Volstead Act, in his message to Congress of October 27, 1919, President Wilson, in part, stated:

To the House of Representatives:

I am returning without my signature H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes.

I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed.

WOODROW WILSON.

President Wilson, according to a United States Senator, who was a close political and personal friend, believed that final and permanent action on such a measure as the Volstead law should be considered and adopted only after the return of 2,000,000 men constituting the American Expeditionary Forces in Europe.

It is said that President Wilson really desired to see a plank inserted in the 1920 Democratic platform providing for a change in the alcoholic content prescribed by the Volstead Act, so as to legalize the use of light wines and beer. He mentioned the matter to United States Senator CARTER GLASS, of Virginia, chairman of the committee on resolutions at the Democratic National Convention in San Francisco in 1920, who opposed the suggestion on the ground it would submerge the League of Nations issue to—

a bitter struggle over the single issue of prohibition.

WILSON ADVOCATED A FORM OF STATE OPTION

Under date of January 20, 1924, the then ex-President Wilson prepared a tentative platform to be submitted for the consideration of the platform committee of the next ensuing Democratic National Convention. In this document he took the attitude that under the eighteenth amendment and the Volstead Act the National Government should confine its activities exclusively—to protect the country against illegal importation from abroad and from illegal introduction of liquor from one State into another—

Adding—

that the full performance of this duty will tax the resources of the Federal Government to the uttermost.

For the rest of enforcement, he contended, there should be frank recognition of the fact "each State must look to their State governments." He gave his reasons for this latter position as follows:

The protection of the people of a State against the illegal sale within it of liquor illegally manufactured within it is a task for which the State governments are peculiarly fitted and which they should perform. That part of the task involves diversified governmental action and

adaptation to the widely varying conditions in and the habits and sentiments of the people of the several States. It is a task for which the Federal Government is not fitted. To relieve the States from the duty of performing it violates our traditions and threatens the best interests of our country.

It seems obvious that Mr. Wilson's intention was that those States that desired strict enforcement should have it, and that those States that desired less stringent enforcement features under the act might be equally accommodated. He evidently believed this would make for a more contented people and, therefore, a happier Nation.

ABRAHAM LINCOLN FAVORED TEMPERANCE, BUT NOT PROHIBITION

Abraham Lincoln is frequently quoted by prohibition sponsors, but as a matter of fact Abraham Lincoln did not favor the curbing of men's personal inclinations by law. He asked for no law to compel men to be total abstainers. Lincoln regarded prohibition as "a species of intemperance in itself." Shortly before he made his great temperance speech before the Washington Society in Springfield, Ill., on February 22, 1842, he had voted "no" on a resolution to establish state-wide prohibition in Illinois by vote of its legislature.

EVEN AMERICAN CLERGY IS BECOMING LESS CONVINCED—AFTER THE HYSTERIA COMES THE REACTION

A poll taken among clergymen of the Protestant Episcopal Church in the United States reveals, according to Time, magazine, 1,032 of them favoring modification of the prohibition law, and 593 against modification, as reported by the Rev. Dr. Charles Livingston, chairman of the publicity committee of the National Episcopal Church Temperance Society.

The ministers as individuals declared prohibition had had sufficient trial.

A tabulation of the vote in the survey follows:

Is prohibition a success in your locality?

Yes, 445; no, 745.

Have we had this law long enough for a fair trial?

Yes, 950; no, 621.

Regardless of one's attitude toward the use of liquor, do you believe a prohibition law offers the best solution of the problem of intemperance?

Yes, 624; no, 1,138.

Should the Volstead Act be modified?

Yes, 1,032; no, 593.

Should the prohibition amendment be repealed?

Yes, 825; no, 793.

Mr. LAGUARDIA. Mr. Chairman, a great deal has been said this afternoon as to the obligation of Members of Congress who take the oath of office and who have taken a decided stand on the question of prohibition and the eighteenth amendment. I want to respectfully submit that it is within the power and the right of every Member of Congress to advocate a change in the Constitution by proper and constitutional methods. [Applause.] Some of us represent constituencies entirely different in viewpoint on this question. In our representative capacity we are invoking every proper, legitimate means, every constitutional means, of bringing about a change in the prohibition situation in keeping with the desires and wishes of our constituency.

Article V of the Constitution provides the means by which the Constitution may be amended. It is not a fixed and inflexible instrument. The fact that you put the eighteenth amendment on it is indicative that when the majority of the people of three-fourths of the States wish to have the eighteenth amendment taken away it will be taken away. It may some day, or perhaps its intents so narrowed as to make its enforcement compatible with conditions in all parts of the country. What some are trying to do is to bring the facts and conditions brought about by prohibition home to the American people. If perhaps in our zeal we overdo it, that is only one of the means of bringing home the point. In that respect I will say that there has been as much overzeal displayed on the dry side as has been on the wet side. It is the belief of some Members of Congress, I fear, that opposition to the policy of prohibition precludes a Member from seeking a constitutional amendment. We have as much right to argue for the repeal of the eighteenth amendment as for any other provision in the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CHRISTOPHERSON. Mr. Chairman, this amendment ought not to prevail; if adopted it would reduce the penalties rather than increase them, the very opposite of the purpose of the bill.

In regard to what has been said about parties who may or may not be in the gallery. I am reliably informed that in the gallery to-day there are members of an organization opposed to prohibition; and I wish you to bear in mind that in

the city of Washington there is an organization opposed to the prohibition law with all the resources and with men of ability, as clever lobbyists as can be found in the prohibition forces. So as far as that goes there is a perfect stand-off. Let us not be misled from the real question at hand by statements as to who is and who is not in the gallery.

Mr. Chairman, I move that all debate on the pending amendment be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from South Dakota.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. CHRISTOPHERSON. Mr. Chairman, I move that all debate on this bill and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman can not make that motion.

Mr. CHRISTOPHERSON. I move that all debate on this section close in 15 minutes, and all amendments thereto.

The CHAIRMAN. The gentleman from South Dakota moves that all debate on this section and all amendments thereto close in 10 minutes.

The question was taken; and on a division (demanded by Mr. BOYLAN) there were—ayes 143, noes 31.

So the motion was agreed to.

Mr. BLACK of New York. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLACK of New York: Page 1, line 10, after the colon insert: "Provided, That such penalties shall not be imposed in a case where a conviction has been had after testimony by a prohibition agent who has at any time been convicted of a crime."

Mr. CHRISTOPHERSON. Mr. Chairman, I make the point of order against that on the ground that it is an effort to change the rules of evidence.

Mr. BLACK of New York. Mr. Chairman, will the gentleman reserve his point of order?

Mr. CHRISTOPHERSON. I reserve the point of order.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, as the committee knows, I generally do not talk on this question, and I am doing it only in response to the demand made yesterday by the gentleman from Colorado [Mr. WHITE] that a Patrick Henry appear on the scene. [Applause and laughter.]

This ghastly bill is the last word in legislative inebriety. It is written in the ink of intolerance with the pen of Puritanism. It suggests Lord Jeffreys, Bluebeard, and the slave galleys. Mesmerized by prohibition potentates, Congress would bring about a reign of terror in America. Instead of recalling Patrick Henry we are recalling Fouquier-Tinville, the prosecutor of the French Revolution. The House does not need a medical doctor but a psychiatrist. If we had a guillotine working overtime on every public square we could not enforce prohibition, for three reasons:

First. It is repugnant to the age-long ubiquitous appetite of man for alcohol.

Second. Americans resent a theory of any religion sanctioned by jail punishment. If the Catholics got control of the Government and passed a law prohibiting the eating of meat on Friday, every Methodist on that day would constitute himself a one-man barbecue and get high blood pressure to show his Americanism. [Laughter and applause.]

Third. Prohibition has been a Klondike for the underworld. As the gold seekers took every risk to get the precious metal, so will the bootleggers take every chance to get their profits out of American hypocrisy. A dry yesterday said this bill would stop such things as happened in Chicago. Well, if a bootlegger will take a chance with death from hijackers and hijackers will take a chance with the legal death penalty, they will not worry about the 5-year penalty of this bill.

I say, glory to Judges Brennan and Murphy, of Detroit, who refuse to impose life imprisonment on prohibition violators. If Michigan could only send us more Murphys and Brennans instead of Cramtons and Hudsons such laws as these would not see daylight. Not that I have anything against either Mr. CRAMTON or Mr. HUDSON, because every now and then they follow my dear old leader of Tammany, Old Sitting Bull, JOHN CAREW. [Laughter.]

According to this act, the Master Himself would go to jail for five years for the miracle at Cana.

This is a bill for the shake-down racketeers clothed with official power and the blessing of the Anti-Saloon League.

What about the Hoover commission? Are you afraid to let Hoover experiment with the noble experiment? Have the

dry lost faith in their champion even though he has forgotten the good services of Colonel Donovan? Have they moral billiousness waiting for the millennium?

It is a great eighteenth amendment. Here are the Senate and the House of Representatives of the United States playing button, button, who's got the button, with the \$24,000,000 appropriation. [Applause.]

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN, Mr. BOYLAN, and Mr. WHITE of Colorado rose.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair understood that the gentleman had an amendment to offer.

Mr. GREEN. I move to strike out the last word, which is in order.

The CHAIRMAN. That is a pro forma amendment. The Chair recognizes the gentleman from Colorado [Mr. WHITE].

Mr. WHITE of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk:

The Clerk read as follows:

Amendment offered by Mr. WHITE of Colorado: Page 1, line 3, after the word "That," strike out the remainder of line 3, all of lines 4 to 14, inclusive, and insert:

"Whenever in a criminal prosecution under the provisions of the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, title 2, of said act, and the jury, in case of conviction, or the court, in case of plea of guilty, shall also find that the defendant is a habitual violator of said national prohibition act, the court shall impose upon each defendant so convicted a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was rejected.

Mr. BOYLAN. Mr. Chairman, I offer the following amendment, which I send to the desk:

The Clerk read as follows:

Amendment by Mr. BOYLAN: Page 1, lines 9 and 10, after the words "shall be" strike out the remainder of the sentence and insert: "placed on probation if a first or second offender," after which strike out the balance of the section.

Mr. BOYLAN. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BOYLAN. For the purpose of explaining my amendment.

The CHAIRMAN. Debate has been fixed, and all time has expired.

Mr. BOYLAN. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

Mr. CHRISTOPHERSON. I object.

Mr. BOYLAN. I thank the gentleman for his courtesy.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. This act shall not repeal nor eliminate any minimum penalty for the first or any subsequent offense now provided by the said national prohibition act.

Mr. CHRISTOPHERSON. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House.

The CHAIRMAN. That is not necessary. Under the rule the committee rises automatically if there is no further amendment.

Mr. O'CONNOR of New York. Mr. Chairman, I ask that the gentleman from Florida [Mr. GREEN] may move to strike out the last word.

Mr. GREEN. I make that request.

The CHAIRMAN. Without objection, the gentleman from Florida will be recognized.

Mr. GREEN. Mr. Chairman, the other day we had a party vote, where among the Democrats all those who were dry voted for a bill which would have granted prohibition enforcement, but in order in a way to try to pull Mr. Mellon out of a hole our friends on the left—the Republicans—did not accept that,

and, joining with the wet wing of the Democratic Party, defeated it.

The situation is this: Our friends on the left would like to redeem themselves with prohibition forces in America; so I ask my colleagues on the Democratic side, in enabling them to redeem themselves, we may now get a prohibition vote.

Mr. SCHAFFER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFFER. The gentleman is out of order. He is not talking about the last word. He is entering upon a political discussion.

The CHAIRMAN. The gentleman from Florida will proceed in order.

Mr. GREEN. I deplore and decry the fact that some of my colleagues will hurl such aspersions at a great organization which has done and is now doing so much for the moral and spiritual destiny of our Nation. I refer to the Anti-Saloon League.

Mr. SCHAFFER. Mr. Chairman, a point of order. The gentleman is not confining himself to the pro forma amendment. He is not discussing the last word. He is discussing the Anti-Saloon League. I ask that the gentleman confine his remarks to the motion now pending under the rules of the House.

Mr. GREEN. Mr. Chairman, you may discuss anything in the bill, and that is a part of the bill.

The CHAIRMAN. The gentleman is discussing the last word in the bill.

Mr. GREEN. Yes. The last word of this bill is the word "act," and if ever there was a time for the American people to act, that time is now, to act for prohibition. [Applause.] It says "act," and by your act this afternoon you should convince the bootleggers of the Nation that you represent dry constituencies and that America shall be dry in fact. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. GREEN. No; I have so little time, I am sorry. We have recently read in the newspapers a great deal about the Washington bootleggers getting orders to prepare bootleg liquor for those who come to the inauguration. This nullification is outrageous.

Mr. LAGUARDIA. The gentleman moved to strike out the word "act." He is now arguing to maintain the act.

Mr. GREEN. I am talking of what has happened because of lack of proper action of the gentleman's own political party. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BOYLAN. Mr. Chairman, I rise in opposition to the paragraph.

Mr. CHRISTOPHERSON. Mr. Chairman, I move that all debate on this section be now closed.

The CHAIRMAN. The gentleman from South Dakota moves that all debate on this section be now closed. The question is on agreeing to that motion.

The motion was agreed to.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last two words. You are trying to work the gag rule. I ask for a division.

The CHAIRMAN. A division is demanded. Those in favor of closing debate on this section will rise and stand until they are counted.

The committee divided; and there were—ayes 144, noes 35.

So the motion was agreed to.

The CHAIRMAN. The debate being closed, the committee automatically rises.

Thereupon, pursuant to the rule, the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill (S. 2901) to amend the national prohibition act, as amended and supplemented, reported that that committee had directed him to report the same back to the House without amendment, with the recommendation that it do pass.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. CHRISTOPHERSON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as favor the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 284, nays 90, not voting 54, as follows:

[Roll No. 32]

YEAS—284

Abernethy	Drewry	Ketcham	Robison, Ky.
Ackerman	Driver	Kiess	Rogers
Adkins	Eaton	Kincheloe	Romjue
Allen	Edwards	Kopp	Rowbottom
Allgood	Elliott	Korell	Rutherford
Almon	Eslick	Kurtz	Sanders, N. Y.
Andresen	Evans, Calif.	Kvale	Sanders, Tex.
Arentz	Fish	Langley	Sandlin
Arnold	Fisher	Lankford	Scars, Nebr.
Aswell	Fitzgerald, Roy G.	Larsen	Selvig
Ayres	Fitzgerald, W. T.	Leavitt	Shallenberger
Bachmann	Foss	Leech	Shreve
Bankhead	Frear	Letts	Simmons
Barbour	Free	Lowrey	Sinclair
Beedy	French	Lozier	Smith
Beers	Fulmer	Luce	Snell
Begg	Furrow	McDuffie	Speaks
Bell	Garber	McFadden	Sproul, Ill.
Black, Tex.	Gardner, Ind.	McKeown	Sproul, Kans.
Bland	Garner, Tex.	McLaughlin	Stalker
Bohn	Garrett, Tex.	McMillan	Steagall
Bowman	Gasque	McReynolds	Steele
Box	Gibson	McSwain	Stevenson
Brand, Ga.	Gifford	McSweeney	Strong, Kans.
Brand, Ohio	Gilbert	Magrady	Strong, Pa.
Briggs	Goldsborough	Major, Ill.	Summers, Wash.
Brigham	Goodwin	Major, Mo.	Summers, Tex.
Browne	Gregory	Manlove	Swank
Browning	Green	Mapes	Swick
Buchanan	Greenwood	Martin, Mass.	Swing
Buckbee	Guyer	Menges	Taber
Burtness	Hadley	Michaelson	Tarver
Busby	Hall, Ill.	Michener	Taylor, Colo.
Butler	Hall, Ind.	Miller	Taylor, Tenn.
Byrns	Hall, N. Dak.	Milligan	Temple
Canfield	Hardy	Monast	Thatcher
Cannon	Hare	Montague	Thompson
Carss	Hastings	Moore, Ky.	Thurston
Cartwright	Haugen	Moore, Ohio	Timberlake
Chapman	Hawley	Moore, Va.	Underhill
Chase	Hersey	Moorman	Vestal
Chindblom	Hickey	Morehead	Vincent, Iowa
Christopherson	Hill, Ala.	Morgan	Vincent, Mich.
Clague	Hill, Wash.	Morrow	Vinson, Ga.
Clarke	Hoffman	Murphy	Vinson, Ky.
Cochran, Pa.	Hogg	Nelson, Me.	Wainwright
Cole, Iowa	Holaday	Nelson, Mo.	Wason
Collier	Hooper	Nelson, Wis.	Watson
Collins	Hope	Newton	Weaver
Colton	Hopkins	Norton, Nebr.	Weish, Pa.
Connally, Tex.	Houston, Del.	O'Brien	White, Me.
Cooper, Ohio	Howard, Nebr.	Oldfield	Whitehead
Cooper, Wis.	Howard, Okla.	Oliver, Ala.	Whittington
Cox	Huddleston	Parker	Wigglesworth
Crall	Hudson	Parks	Williams, Ill.
Cramton	Hughes	Patterson	Williams, Mo.
Crisp	Hull, Morton D.	Peery	Williams, Tex.
Crowther	Hull, Wm. E.	Perkins	Williamson
Culkin	Hull, Tenn.	Pou	Wilson, La.
Dallinger	Jeffers	Pratt	Wilson, Miss.
Davenport	Jenkins	Purnell	Wingo
Davey	Johnson, Ill.	Quin	Wolfenden
Davis	Johnson, Ind.	Ragen	Wolverton
Dempsey	Johnson, Okla.	Raney	Wood
Denison	Johnson, S. Dak.	Ramsayer	Woodruff
Dickinson, Iowa	Johnson, Tex.	Rankin	Woodrum
Dickinson, Mo.	Johnson, Wash.	Rayburn	Wright
Dominick	Jones	Reece	Wyant
Doughton	Kearns	Reed, N. Y.	Yates
Dowell	Kelly	Reid, Ill.	Yon
Drane	Kerr	Robinson, Iowa	Zihlman

NAYS—90

Aldrich	Deal	Kahn	Prall
Andrew	DeRouen	Kemp	Quayle
Bacharach	Dickstein	Kent	Ransley
Bacon	Douglas, Ariz.	Knutson	Sabath
Black, N. Y.	Douglass, Mass.	LaGuardia	Schafer
Bloom	Doyle	Lampert	Schneider
Boylan	Dyer	Lehbach	Seger
Britten	Englebright	Lindsay	Sirovich
Burdick	Estep	Linthicum	Somers, N. Y.
Campbell	Fenn	McCormack	Spearing
Carew	Fitzpatrick	McLeod	Stobbs
Celler	Fort	Martin, La.	Sullivan
Chalmers	Freeman	Mead	Tatgenhorst
Clancy	Gambrill	Morin	Tilson
Cochran, Mo.	Glynn	Niedringhaus	Tinkham
Cohen	Golder	Norton, N. J.	Tucker
Cole, Md.	Graham	O'Connell	Ware
Combs	Griffin	O'Connor, La.	Watres
Connery	Hale	O'Connor, N. Y.	Welch, Calif.
Corning	Hancock	Oliver, N. Y.	White, Colo.
Crosser	Igoe	Palmisano	Wurzbach
Cullen	Irwin	Peavey	
Darrow	Kading	Porter	

NOT VOTING—54

Anthony	Curry	Kendall	Reed, Ark.
Auf der Heide	Doutrich	Kindred	Scars, Fla.
Beck, Pa.	England	Kunz	Stedman
Beck, Wis.	Evans, Mont.	Lanham	Strother
Berger	Fletcher	Lea	Tillman
Blanton	Fulbright	Leatherwood	Treadway
Boies	Garrett, Tenn.	Lyon	Underwood
Bowles	Griest	McClintic	Updike
Bulwinkle	Hammer	Maas	Warren
Bushong	Harrison	Mansfield	Weller
Carley	Hoch	Merritt	White, Kans.
Carter	Hudspeth	Mooney	Winter
Casey	Jacobstein	Moore, N. J.	
Connolly, Pa.	James	Palmer	

So the bill was passed.

The Clerk announced the following pairs:
On this vote:

Mr. Maas (for) with Mr. Weller (against).
Mr. Kendall (for) with Mr. Mooney (against).
Mr. Stedman (for) with Mr. Merritt (against).
Mr. Hoch (for) with Mr. Moore of New Jersey (against).
Mr. McClintic (for) with Mr. Carley (against).
Mr. Lanham (for) with Mr. Kindred (against).
Mr. Hammer (for) with Mr. Kunz (against).
Mr. Blanton (for) with Mr. Auf der Heide (against).
Mr. Reed of Arkansas (for) with Mr. Beck of Pennsylvania (against).
Mr. Tillman (for) with Mr. Connolly of Pennsylvania (against).

Until further notice:

Mr. Carter with Mr. Casey.
Mr. Griest with Mr. Warren.
Mr. Doutrich with Mr. Evans of Montana.
Mr. James with Mr. Hudspeth.
Mr. Leatherwood with Mr. Lea.
Mr. Bushong with Mr. Underwood.
Mr. Curry with Mr. Garrett of Tennessee.
Mr. Palmer with Mr. Fletcher.
Mr. Treadway with Mr. Sears of Florida.
Mr. Winter with Mr. Mansfield.
Mr. England with Mr. Lyon.
Mr. Anthony with Mr. Bulwinkle.
Mr. White of Kansas with Mr. Fulbright.
Mr. Bowles with Mr. Harrison.
Mr. Boles with Mr. Jacobstein.
Mr. Strother with Mr. Berger.
Mr. Updike with Mr. Beck of Wisconsin.

The result of the vote was announced as above recorded.

On motion of Mr. CHRISTOPHERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent that all Members may have three legislative days in which to extend their remarks upon the bill just passed.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that all Members may have three legislative days in which to extend their remarks upon the bill just passed. Is there objection?

There was no objection.

THE PROHIBITION ENFORCEMENT ACT

Mr. WILLIAM E. HULL. Mr. Speaker, on the question of prohibition I have been as neutral on the subject as my conscience will allow me.

In all of my campaigns for a Member of Congress, I have been opposed by the so-called Anti-Saloon League. They have consistently indorsed my opponent. However, it has never affected my election as is indicated in the last one whereby my opponent was indorsed by the Anti-Saloon League and still I received a majority of nearly 22,000.

In making this statement, I do it not with the thought that I am peeved at their action but merely to lay a foundation for the few remarks that I am to make.

Being a distiller for 28 years and operating one of the largest plants in the United States I am classified as a wet. However, I would desire that the Members of the House should realize that before prohibition went into effect my firm disposed of every drop of spirits that they owned, and therefore since prohibition has been a law the firm have not sold, transported, or disposed of spirituous liquors.

I have held myself in readiness to be of any assistance to the Government that I could in bringing about a law or regulations that would be helpful to the cause. What I mean is this: The Constitution now contains the prohibition law and the laws affecting it are probably inoperative and it may be necessary in the future to change them. No matter how inoperative they are, I have always contended that prohibition should be given a fair chance. In other words, every opportunity should be given those who are favorable to it to make it a success, if they can. Then, if that is done by the Congress of the United States and they fail, they should then consider the change of the law. I have always thought that the drastic law is the cause of non-enforcement.

Some time ago, if you will recall, I made a speech on the floor of the House indicating a thought that I had of liberalizing under the law by medicinal use of whisky by having it manufactured on a basis of 10 cents a gallon profit by selling it for medicinal use through the druggist, and that he should not make more than 100 per cent, thus allowing good 4-year-old Government whisky to be sold at 80 or 90 cents a pint.

This, as I said before, would eliminate the bootlegger, would cause the unscrupulous druggist not to mix the whisky with cheaper goods, because the profit would be too small to cause him to do so and would guarantee to the purchaser a good, wholesome medicinal whisky at pre-war prices. I also believed when I made that statement that that would eliminate largely the desire that exists under present conditions.

I am going to give the House some figures, not for the purpose of influencing you on this bill, but I think they are figures that should be in the RECORD. I therefore have taken the years

of 1911, 1912, and 1913, which were the banner years for distilling, and I quote you as follows, by years:

	Gallons
1911	183,355,527
1912	187,571,808
1913	193,606,257

Making a total in three years' time of..... 564,533,592
Or an average of..... 188,177,864

Now, in comparison to that, I have taken the years of 1926, 1927, and 1928, since prohibition has been in effect, which are as follows:

	Gallons
1926	203,809,944
1927	185,471,897
1928	169,149,904

Making a total in three years' time of..... 558,431,745
Or an average of..... 186,143,915

Thus you can see by this that we are making now within 2,000,000 gallons per year of spirits, compared to what we did previous to prohibition.

The argument, of course, on these figures will be that the first quotation was under the law and for beverage purposes, while the second, under the law, was for mechanical purposes, or denatured alcohol. However, I have not the figures to verify my statement, but, knowing the business as I do, I think I am correct in making this statement that as we had denatured alcohol back as far as 1908 and that while it has grown largely in proportion as to what it was then, it has not grown to any extent as exists in these figures and, besides, large portions of the denatured alcohol of to-day are merely taking the place of tax-paid alcohol in previous years. I use Listerine as an example. At one time they were tax paying two to three cars every week for their uses. Now they simply send their ingredients to Peoria and pay no tax.

That applies to other manufacturers in the same way. Making the deductions in my own way, I am convinced that a large portion of the 186,000,000 gallons of alcohol being made to-day is used for beverage, more than half at least.

Now I want to call your attention to some other figures that might be interesting to the House. I have taken the years 1911, 1912, and 1913 as a basis for importation of spirits from foreign countries which would cover everything and they are as follows:

	Gallons
1911	3,674,354
1912	3,650,736
1913	4,080,710

So, you can see by these figures that there were less than 4,000,000 gallons imported during the previous period, and it is my belief and judgment, not only from statements that we have in the newspapers but of the confiscations that are reported, there are at least twenty times as much liquor coming from foreign countries under the smuggling process as there was under the legal process.

I have not said anything in reference to the illegal manufacture of spirits, but knowing the procedure and understanding how easily it is made and how correct the bootlegger can be in the manufacture so as to make it palatable, I would not be surprised, if the truth were known, but what the quantity illegally made at the present time would be surprising in gallons if it could be computed to this Congress.

Now, after making this statement, which is done for the purpose of getting the facts before you, I am going to state what I am going to do in reference to this bill. Ever since I have been in Congress I have voted consistently for every appropriation to enforce prohibition because it is a law and a part of the Constitution and because I have believed that it was my duty as a Congressman to lend every assistance to those who are in power on this subject and to give them all of the money that they need for a try out of prohibition.

I believe this is a bad bill for them. It is my thought, as expressed on the floor of this House by Congressman FORT, that this law will be more injurious to the cause than it will be of benefit. But, on the other hand, I am still going to do what I started out to do when I came to Congress, to let those who favor prohibition run it up to a point where it is found they can or can not carry it out successfully, if that time ever comes, and I am voting against my best judgment on this bill—I am going to vote for it.

Mr. WATRES. Mr. Speaker, I am as anxious as any Member to strengthen the cause of law enforcement in every way possible. I am opposed to the bill under consideration because I am convinced that its effect will be to weaken rather than to strengthen the enforcement of the law. I am not, however, in sympathy with many of the arguments made against the bill by those who are opposing prohibition enforcement.

It is conceded even by the advocates of the bill that it will increase the difficulty of securing convictions.

I recognize that it is the function of Congress to provide adequate laws for enforcement. The present bill makes possible an extremely tyrannical, oppressive, and unreasonable application of the law, resulting in resentment against it and less respect for the law. I feel thoroughly convinced that the best hope for improving conditions is through placing greater emphasis on law observance rather than on law enforcement.

Mr. Hoover has stated that he intends to appoint a commission to consider ways and means of improving present conditions. He will take office on Monday next. Congress should await recommendations from that commission.

INDEX AND DIGEST TO THE LEGISLATION OF THE STATES OF THE UNITED STATES ENACTED DURING THE BIENNIUM 1925-26

Mr. KIESS. Mr. Speaker, I ask unanimous consent that the letter of the Acting Librarian of Congress, dated February 11, 1929, transmitting to the House of Representatives the first index and digest to the legislation of the States of the United States enacted during the biennium 1925-26, and referred to the Committee on Printing, be taken from the files of the House and returned to the librarian, inasmuch as a provision has been included in the legislative appropriation act for the printing of this report as a publication of the Library of Congress.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the letter of the Acting Librarian of Congress, dated February 11, 1929, transmitting to the House of Representatives the first index and digest to the legislation of the States of the United States enacted during the biennium 1925-26, and referred to the Committee on Printing, be taken from the files of the House and returned to the librarian, inasmuch as a provision has been included in the legislative appropriation act for the printing of this report as a publication of the Library of Congress. Is there objection?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army supply base, New Orleans, La.

The message also announced that the Senate insists upon its amendment No. 39, as amended, to the bill H. R. 15089 entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes," requests a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. CURTIS, Mr. KEYES, Mr. HARRIS, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 1, 13, and 15 to the bill H. R. 16714 entitled "An act making appropriations for the Navy Department for the fiscal year ending June 30, 1930, and for other purposes."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, the bill (H. R. 17223) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes," insists upon its amendments to the said bill, asks a conference with the House thereon, and appoints Mr. WARREN, Mr. CURTIS, Mr. KEYES, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate.

BRIDGE ACROSS THE ST. CLAIR RIVER, MICH.

Mr. DENISON. Mr. Speaker, I call up Senate bill 5847, authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich., now on the Speaker's table, and ask that it may be considered, a similar House bill having been reported and now being on the calendar.

The SPEAKER. The gentleman from Illinois calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE ST. LAWRENCE RIVER, N. Y.

Mr. DENISON. Mr. Speaker, I call up Senate bill 5706, authorizing Frank A. Augsburg, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y., a similar bill having already passed the House.

The SPEAKER. The gentleman from Illinois calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SEWER OUTLET, ALLEGHENY RIVER, PITTSBURGH, PA.

Mr. DENISON. Mr. Speaker, I call up Senate bill 5746, to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., now on the Speaker's table, a similar House bill having already passed the House.

The SPEAKER. The gentleman from Illinois calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER of Texas. Do the rules authorize the calling up of a Senate bill when a similar bill has passed the House and gone to the Senate?

The SPEAKER. The Chair thinks the situation is the same whether the bill be on the calendar or has been passed; in fact, the Chair is sure of that, because he has made a ruling to that effect.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FOOT BRIDGE ACROSS FOX RIVER, ILL.

Mr. DENISON. Mr. Speaker, I call up H. R. 13593, granting the consent of Congress to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill., with a Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois calls up House bill 13593, with a Senate amendment, and moves to concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

NEW BERN HISTORICAL SOCIETY

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules, I call up House Concurrent Resolution No. 60.

The SPEAKER. The gentleman from New York calls up House Concurrent Resolution No. 60, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 60

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the colonial and revolutionary period at New Bern, N. C.

Mr. SNELL. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. POU], who will make a statement in regard to this resolution.

Mr. POU. Mr. Speaker, this resolution provides for the representation of Congress at a great pageant which the people of North Carolina will give during the month of May. It is a pageant intended to reproduce the historical events of that section of the Nation before and immediately after the Revolution. There is precedent for this resolution. To the Stone Mountain celebration, we sent a representation of Congress. The resolution carries no appropriation at all.

The concurrent resolution was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF NEW MEXICO
AND OKLAHOMA

Mr. SMITH. Mr. Speaker, I call up conference report on H. R. 6496, granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested.

The SPEAKER. The gentleman from Idaho calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6496) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6496) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the Conference Committee and submitted in the conference report.

The Senate amendment to the House bill (H. R. 6496) struck out of section 2 the words "from the Department of the Interior," from which amendment the Senate has receded.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

The conference report was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF NEW MEXICO,
OKLAHOMA, AND TEXAS

Mr. SMITH. Mr. Speaker, I call up the conference report on the bill (H. R. 6497) granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6497), entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H. R. 6497, entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the conference report:

The Senate amendment to the House bill, H. R. 6497, struck out of section 2 the words "from the Department of the Interior," from which amendment the Senate has receded.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

The conference report was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF NEW MEXICO
AND ARIZONA

Mr. SMITH. Mr. Speaker, I call up the conference report on the bill (H. R. 6499) granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6499) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6499), entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the conference report.

The Senate amendment to the House bill (H. R. 6499) struck out of section 2 the words "from the Department of the Interior," from which amendment the Senate has receded.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

The conference report was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO AND
NEW MEXICO

Mr. SMITH. Mr. Speaker, I call up conference report on the bill (H. R. 7024) granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7024) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "from any department of the United States Government"; and the Senate agree to the same.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7024) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The amendment of the Senate struck out the words in section 2 "from the Department of the Interior" and in lieu thereof inserted the following: "from any department of the United States Government," to which amendment the House agrees.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

Mr. CRAMTON. Will the gentlemen yield for about one minute?

Mr. SMITH. I yield.

Mr. CRAMTON. Under the conditions, all parties have agreed to this compromise, but I think the RECORD ought to show that some of us do not consider that the action taken on this bill and the one which the gentleman has in his hands is to be taken as a precedent to control future action.

In my judgment the Reclamation Service is the division of the Government which is charged with the responsibility of protecting the interests of the Government in such matters, and it is as unwise to call on the Department of War or Navy or Commerce to act in a matter affecting reclamation as it would be to call on the Reclamation Service to act in a matter affecting the national defense. But in these particular cases, one of them seems to have been under way already under somewhat similar circumstances, and I am not disposed to contest it.

Mr. SMITH. Mr. Speaker, I wish to say in reply to the gentleman that the amendment adopted gives the President authority to designate some one from any department of the Government instead of confining it to the Department of the Interior.

The conference report was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO,
OKLAHOMA, AND KANSAS

Mr. SMITH. Mr. Speaker, I call up conference report on the bill (H. R. 7025) granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

7025) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "from any department of the United States Government"; and the Senate agree to the same.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7025) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report.

The amendment of the Senate struck out the words in section 2 "from the Department of the Interior" and in lieu thereof inserted the following "from any department of the United States Government," to which amendment the House agrees.

ADDISON T. SMITH,
W. C. LANKFORD,

Managers on the part of the House.

The conference report was agreed to.

MARY MARTIN HARRISON

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7244, with a Senate amendment, and agree to the Senate amendment, and I may say that I am doing this by direction of the Committee on Naval Affairs.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what does the Senate amendment do?

Mr. BRITTEN. This is the case of an appropriation for the mother of an aviator who was killed in the line of duty. It conveys to the mother eleven hundred and some dollars, or six month's pay. There is some question as to just how dependent the mother was on the son and that is the reason for the bill; otherwise it would not have been necessary.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

JOINT-STOCK LAND BANKS

Mr. McFADDEN. Mr. Speaker, I call up the bill (S. 4039) to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914, as amended, this bill having been considered by the Committee on Banking and Currency and a similar House bill being on the calendar.

The Senate amendments were read.

Mr. CRAMTON. Will the gentleman advise us whether there is an identical House bill on the calendar?

Mr. McFADDEN. This is the same bill; this is a Senate bill that I am calling up.

Mr. CRAMTON. I asked the gentleman if there is a House bill on the calendar?

Mr. McFADDEN. Yes.

Mr. LaGUARDIA. It is the bill that I objected to the other day.

Mr. CRAMTON. Does it meet with the approbation of the gentleman from New York?

Mr. LaGUARDIA. I am not objecting to it.

Mr. CRAMTON. Do they hold any securities of public or private irrigation projects?

Mr. McFADDEN. Not that I know of.

The SPEAKER. The Clerk does not find any similar House bill on the calendar.

Mr. McFADDEN. My recollection is that the House considered the Senate bill.

Mr. CRAMTON. My question was whether there was a similar House bill on the calendar. I think we had better leave it until it can be investigated. I object.

CONSOLIDATION OF CERTAIN TIMBER STANDS ON THE BOUNDARIES OF YOSEMITE NATIONAL PARK

Mr. ENGLEBRIGHT. Mr. Speaker, I call up from the Speaker's table the bill S. 5880, an identical House bill being now on the calendar.

The SPEAKER. The gentleman from California calls up the bill S. 5880.

The Clerk read the bill, as follows:

A bill (S. 5880) to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes

Be it enacted, etc., That for the purpose of preserving and consolidating certain timber stands along the western boundary of the Yosemite National Park, the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands: Sections 19, 20, 29, 30, 31, and 32, township 1 south, range 20 east, Mount Diablo meridian; east half section 1; east half section 12; southeast quarter section 24, township 2 south, range 19 east, Mount Diablo meridian; sections 4, 5, and 6; north half section 7; sections 8 and 9, and 19 and 20, township 2 south, range 20 east, Mount Diablo meridian, approximately 9,000 acres.

The SPEAKER. Is there objection?

Mr. SABATH. Reserving the right to object, does this take in all of the timber stands?

Mr. ENGLEBRIGHT. This takes in a very beautiful tract of timber.

Mr. SABATH. Is that the tract in question between the Senate and the House?

Mr. ENGLEBRIGHT. No; that is still pending in conference.

Mr. SABATH. This will take care of some of it?

Mr. ENGLEBRIGHT. Yes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion by Mr. ENGLEBRIGHT to reconsider the vote whereby the bill was passed was laid on the table.

THE PUBLIC SERVICE OF HON. CLEMENT C. DICKINSON

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the public services of the Hon. CLEMENT C. DICKINSON.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER. Mr. Speaker, of the valiant knights who, when knighthood was in flower, rode over medieval France, battling in open field, in tournaments, from castle to castle, and from city to city, in defense of country, liege lord, honor, and virtue, none was more intrepid or more perfectly exemplified heroic courage and all that was best in the romantic age of chivalry than Pierre Terrail, Seigneur, better known as Chevalier de Bayard, acclaimed by his contemporaries and historians as "sans peur et sans reproche" (without fear and without reproach).

He was a perfect pattern of knighthood. Blameless in life, character stainless, actuated by a high sense of honor, dauntless in attack, fearless in defense of truth and virtue, loyal to country and humanity, vigilant champion of right, aggressive in redressing wrongs, his sharp spear and delicately tempered sword unerringly pierced his adversary's armor, and his buckler broke the fierce onslaughts of every foe. While "his bones are now dust, his good sword rust, and his soul is with the saints, we trust," yet in every age of the world's history since he rode forth to battle there have been those who like him excelled in courage, honor, true merit, stainless lives, sincere friendship, and unflinching fidelity to country and duty.

In Missouri, the great Commonwealth that gave me birth, we have had many men whose lives reflected the virtues and chivalric courage of Chevalier Bayard. For 19 years a man of this type has been a Member of this House. I refer to the distinguished gentleman from the sixth district of Missouri, Hon. CLEMENT C. DICKINSON, who, like Bayard of old, has lived a long and useful life, without fear and without reproach, an out-

standing type of that high standard of citizenship that is the crowning glory of our civilization.

In all the relations of life CLEMENT C. DICKINSON has been circumspect, sincere, candid, unassuming, upstanding, forward looking, loyal to his friends, conscientious, aggressively wholesome in thought and example, and at all times actuated by well-considered convictions and devotion to duty.

An able and successful lawyer; a faithful servant of his Commonwealth in its general assembly; an honorable Representative of a great district and State in Congress, Judge DICKINSON has acted well his part and discharged with fidelity and distinction his duties and responsibilities, both in private and public life. His escutcheon is unblemished and his record above reproach. His was not a little, shriveled, or pulseless soul. He pulled no man down in order to promote his own political fortunes. He had a big heart, and all who know his sterling character and enviable qualities of mind and heart will agree that he has made a worth-while contribution to the forces that promote the public weal.

It is a source of profound regret that he will not be a Member of the Seventy-first Congress, but we do not look on him as one whose public career has ended. Time has dealt gently with him and he is still blessed with a strong body, vigorous intellect, and an admirable, gracious, and benign personality that equip him for many more years of efficient public service.

His failure to be returned to the Seventy-first Congress implies no lack of confidence in him by his constituents, who still hold him in high esteem and appreciate his valuable services in their behalf. He was the victim of unprecedented political conditions which he did not create, could not control, and for which he was not responsible.

It is indeed unfortunate he fell outside the breastworks in the recent political upheaval while many of his colleagues who are less worthy were returned to this Chamber. It is difficult to understand why his public career should have been halted and some of us who are less deserving, less capable, less able, less useful, and less lovable, were elected. But whether or not CLEMENT C. DICKINSON ever returns to public life, the Members of this House well know, his constituents well know, and the people of Missouri well know, that he has with ability, fidelity, distinction, and with signal honor, served his day and generation. Oh, that there were more Members of this House like him, who will not—

Crook the pregnant hinges of the knee,
Where thrift may follow fawning.

I am sure I reflect the sentiment of every Member of this House when I say that Judge DICKINSON, when he leaves this Chamber, will carry with him the implicit confidence, genuine good will, and the very best wishes of his colleagues, all of whom sincerely regret his departure and unite with me in saying:

Well done, thou good and faithful public servant.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 16701, and agree to the Senate amendment to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE DEATH OF BRIGADIER GENERAL PULASKI

The SPEAKER. Under authority of House Joint Resolution 304 providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission, the Chair appoints the gentleman from Indiana [Mr. Wood] and the gentleman from New York [Mr. MEAD].

DEFICIENCY APPROPRIATIONS

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 17223, the deficiency appropriation bill, disagree to all of the Senate amendments, and agree to the conference asked by the Senate. Also, that the managers on the part of the House on H. R. 17223, the second deficiency appropriation bill, and H. R. 15848, the first deficiency bill, be authorized to agree to Senate amendments notwithstanding the provisions of clause 2 of Rule XX.

The purpose of this request is this: Unless this is granted we will have to bring back here all of the amendments put on by the Senate, whether we agree to them or not, because they are new items of legislation.

Mr. SCHAFFER. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SCHAFFER. Mr. Speaker, if we agree to that unanimous consent request the House will not have an opportunity to vote on the \$24,000,000 amendment if the conferees accept it.

Mr. WOOD. This would only embrace those items that are not controversial. It is for the purpose of expediting and saving time, and the possibility of saving this deficiency bill.

Mr. SCHAFFER. Then there is no danger whatever that the House conferees will agree to the \$24,000,000 amendment and the House be precluded from having a vote on it?

Mr. WOOD. I can safely promise the gentleman that.

Mr. SCHAFFER. Then I shall not object.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. NEWTON. Is there an item there for \$150,000 for the Isthmian Canal? Is there any language in that directing any work or merely an appropriation?

Mr. WOOD. It is just the appropriation, as I understand it. I saw the item yesterday, and it is just the appropriation for the survey of the Nicaraguan canal and the Panama Canal.

Mr. HUDDLESTON. Mr. Speaker, I have not been able to hear what has been said, but I caught a word that I am considerably interested in. I reserve the right to object, if this is the proper stage of the proceedings to do that. It is my understanding that this deficiency bill carries the Nicaraguan canal investigation item?

Mr. WOOD. Yes.

Mr. HUDDLESTON. A piece of legislation, with also an appropriation. That is a matter that is embraced within the bill which has to-day been reported to the House by the Committee on Interstate and Foreign Commerce, and which should come up in some formal way so that opportunity for debate would be afforded. The gentleman's request would give the conferees the authority to agree to that item and it would come in here in such fashion that there would not be any opportunity to discuss it. That would not be at all fair to those who are opposed to it. Having that in mind, I am unable to agree to the gentleman's request, unless that item is excluded from the request.

Mr. WOOD. Mr. Speaker, I am very glad that the gentleman has raised this question. In all probability we will have to bring back some matters that may be in disagreement. Our purpose in making this request is that we need not encumber the disagreed items with a whole lot of trivial items that would consume a great deal of time. It is for the purpose of saving time. If there are any of these matters that gentlemen specify they wish brought back, if they are in disagreement, we will be pleased to give them consideration.

Mr. HUDDLESTON. I would not be able to grant consent to the gentleman's request without some understanding that this item is not brought back to the House until the House has considered the bill which was reported to-day.

Mr. WOOD. I could not agree to that. If we did that, we would not get this bill back here at all in all probability.

Mr. HUDDLESTON. That is not the fault of those who object to the item. It is rather the fault of those who insist in putting this item in in an improper manner.

Mr. WOOD. I have made the request.

Mr. HUDDLESTON. I object to the request.

Mr. DENISON. Would not the gentleman from Alabama be satisfied if the gentleman from Indiana would say that the item would be brought back to the House before it is approved?

Mr. HUDDLESTON. The trouble about that is that the item ought to be debated. The gentleman will bring back a conference report and will have the opposition at his mercy. He need not give them any opportunity to discuss it. For that reason it is not possible to make an agreement. If the gentleman will take that item from his request, I shall not object to it.

Mr. WOOD. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 17223, the deficiency appropriation bill, disagree to all of the Senate amendments, ask a conference with the Senate or agree to the conference asked by the Senate; also, that the managers on the part of the House on H. R. 17223, the second deficiency bill, and H. R. 15808, the first deficiency bill, be authorized to agree to Senate amendments notwithstanding the provisions of the clause 2 of Rule XX.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. HASTINGS. Has the gentleman consulted with the gentleman from Tennessee [Mr. BYRNS]?

Mr. WOOD. Yes; and also with the gentleman from Tennessee [Mr. GARRETT]. This is agreeable to both of those gentlemen.

Mr. HUDDLESTON. Mr. Speaker, in view of the gentleman's motion, I am compelled to make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 33]

Aldrich	Eaton	Kent	Ransley
Andrew	England	Kerr	Rayburn
Anthony	Englebright	Kindred	Reece
Auf der Heide	Estep	Kopp	Reed, Ark.
Bacharach	Evans, Mont.	Kunz	Robison, Ky.
Bankhead	Fish	Kvale	Rutherford
Beck, Pa.	Fitzgerald, W. T.	Lampert	Sanders, N. Y.
Beck, Wis.	Fletcher	Lanham	Sanders, Tex.
Berger	Frear	Leatherwood	Sears, Fla.
Blanton	Free	Lindsay	Sinclair
Boles	Freeman	Linthicum	Stedman
Bowles	Fulbright	Lowrey	Stobbs
Brand, Ohio	Fulmer	Lyon	Strother
Britten	Garrett, Tenn.	McClintic	Sullivan
Browne	Garrett, Tex.	Maas	Sumners, Tex.
Browning	Gibson	Major, Ill.	Swick
Burdick	Glynn	Major, Mo.	Tillman
Burness	Golder	Martin, La.	Tinkham
Busby	Greenwood	Merritt	Treadway
Bushong	Griest	Monast	Tucker
Byrns	Hadley	Montague	Underhill
Carew	Hammer	Mooney	Underwood
Carley	Harrison	Moore, N. J.	Updike
Carter	Hickey	Morgan	Vinson, Ga.
Casey	Hoch	Murphy	Warren
Cole, Md.	Hopkins	Nelson, Mo.	Weaver
Connolly, Pa.	Howard, Okla.	Nelson, Wis.	Weller
Curry	Hudspeth	Norton, N. J.	White, Kans.
Davenport	Hughes	Palmer	Williams, Mo.
Davey	Hull, William E.	Parks	Williams, Tex.
Dempsey	James	Prall	Wilson, Miss.
Dickinson, Mo.	Kading	Purnell	Winter
Doutrich	Kelly	Quayle	Woodrum
Driver	Kendall	Quin	

The SPEAKER. Two hundred and ninety-five Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and take from the Speaker's table the bill H. R. 17223, the deficiency appropriation bill, disagree to all of the Senate amendments, and ask a conference with the Senate or agree to the conference asked by the Senate. Also, that the managers on the part of the House on H. R. 17223, the second deficiency appropriation bill, and H. R. 15848, the first deficiency bill, be authorized to agree to Senate amendments, notwithstanding the provision of clause 2 of Rule XX.

Is a second demanded?

Mr. HUDDLESTON. I demand a second.

Mr. WOOD. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Indiana is recognized for 20 minutes and the gentleman from Alabama [Mr. HUDDLESTON] for 20 minutes.

Mr. WOOD. Mr. Speaker and Members of the House, I will say that the purpose of this motion is to send the second deficiency bill to the conference which the Senate has asked for. I am also asking as a part of this motion that the conferees be directed, notwithstanding section 2 of Rule XX, to agree to certain Senate amendments that otherwise would have to be brought back to the House. The purpose of this is to save time and possibly save this deficiency bill.

That is all there is to it. This practice has been in vogue for some time. I remember about this time at the last session the gentleman from Illinois, Mr. Madden, then chairman of the Committee on Appropriations, made a similar motion.

Mr. TILSON. Is this an agreement of the conferees on both sides of the House?

Mr. WOOD. I have conferred with the gentleman from Tennessee, Mr. GARRETT and also with the gentleman from Tennessee, Mr. BYRNS.

Mr. GARRETT of Tennessee. Of course, I am not one of the conferees, but the gentleman advised me of what he desired to do, and I told him it was satisfactory to me. I am not in disagreement with the gentleman. There is nothing unusual about the proceeding.

Mr. WOOD. I spoke to the gentleman from Tennessee [Mr. BYRNS], who is, or will be, one of the House conferees, and he told me it was entirely agreeable to him.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. GRIFFIN. Would the gentleman mind stating briefly what is the purport of these amendments to which he proposes to bind the House?

Mr. WOOD. I am not proposing to bind the House except on this matter of amendments proposed by the Senate which we would be required to bring back here. I will say to the gentleman that if there are any controversial questions of importance on which we can not agree I will bring them back.

Mr. GRIFFIN. These amendments embrace some of the items put on the bill when it was passed by the Senate?

Mr. WOOD. These only apply to those put on in the Senate.

Mr. GRIFFIN. We have no knowledge of what they are. Can the gentleman give us a line on them?

Mr. WOOD. They have put on some with reference to the expenses of their own chamber. They have put on some with reference to a dead Member, one that I recall, and an amendment with reference to a clerk who has done some special work.

Mr. GRIFFIN. The gentleman says they are not material?

Mr. WOOD. They are not material.

Mr. HUDDLESTON. Mr. Speaker, this is a motion to suspend the rules and to disagree to the Senate amendments to the deficiency bill, to appoint conferees, and to authorize them to agree to the numerous items of legislation which have been incorporated in the bill by Senate amendments.

The bill H. R. 17223 carries numerous items of important legislation. What all of them may be I do not know, and I venture to say that not even the gentleman from Indiana [Mr. Wood] himself knows all the items of legislation in this bill. Yet he asks that three Members of the House be authorized as conferees to speak on behalf of the House and to agree to any or all of these items accordingly as they may be advised. He asks that the House abdicate its functions and delegate its power to legislate to the committee of conferees.

Some one said that this is not an unusual procedure. May I say that during my 14 years' membership in the House there has been no occasion on which, for want of a unanimous-consent agreement to send a bill of this kind to conference, has such a motion to suspend the rules been made. And furthermore, may I say that on no previous occasion probably within the legislative life of anyone who may now be a Member of the House has a measure carrying so many items of important legislation, about which the House knows nothing, been presented in a deficiency bill.

A LEGISLATIVE ATROCITY

This is a legislative atrocity which would not be attempted at any other time in a session or at any other hour in a day. It is an atrocity attempted upon the theory that the House will submit to anything under such conditions.

I am especially interested in one particular item added by Senate amendment to this bill—an item of legislation which both authorizes and makes an appropriation for the purpose of investigating the feasibility of the so-called Nicaraguan canal and the cost of constructing and maintaining it. That is one of the items put into the bill by the Senate as an amendment. It is an item about which the Committee on Appropriations knows absolutely nothing.

A year ago a bill was introduced in the Senate to accomplish this purpose. About the time the bill was introduced a Budget estimate of \$150,000 was submitted to make the proposed investigation. The amount was so grossly inadequate to what will actually be required for the purpose that you can not think of it as anything more than merely an opening wedge for a great appropriation.

The bill went its course in the Senate. As I am informed, no hearings were held upon it, yet we find that within the last two or three weeks, a very determined effort has been disclosed to put the bill through. Finally, not over two or three days ago, the bill was passed by the Senate.

In order to get it through the Senate, the proponents of the bill were forced to accept an amendment which also authorized an investigation of the possibility of enlarging the present Panama Canal and also of still a third route, the so-called San Blas route over the isthmus. A new estimate came up from the Budget, yet it was for only the same amount of \$150,000. To do three or possibly five times the work contemplated by the original bill only the same amount was estimated.

THE BILL WAS "JUGGLED WITH"

When the bill was passed by the Senate it was sent to the House. It was held here upon the Speaker's table for a day or two. The bill was believed to rightfully belong to the

Committee on Interstate and Foreign Commerce. For reasons best known to the Speaker the bill was not so referred. It was merely taken up informally in the committee by the chairman and members of the committee were then informed that a motion to suspend the rules would be made to pass that bill.

Opposition to the bill developed in the committee and obviously the chairman of the committee reached the conclusion that he would not be able to pass a motion to suspend the rules by the required vote. Then what transpired? Then, only this morning, the bill was referred by the Speaker to the committee. No hearings were held by the House committee and no hearings were held by the Senate. Without any real information the committee to-day ordered the bill reported. A minority report was also made in which five members joined in opposition to the bill. That minority report is as follows:

MINORITY VIEWS ON SENATE JOINT RESOLUTION 117

If this were a proposal merely to investigate the need for an increase in the facilities of the Panama Canal, we should not oppose it. However, it is obvious that the inclusion of the canal was merely an afterthought, and that the measure has no sincere purpose for such an investigation.

As the resolution was originally drawn it related only to a canal through Nicaragua. The Budget estimate of May, 1928, was for \$150,000 for investigation of the Nicaraguan route alone. Amendments were forced into the resolution in the Senate, against the opposition of its proponents, which include an investigation of an enlargement of the Panama Canal and of the so-called San Blas route. To meet these amendments a new estimate of only the same amount, \$150,000, has been submitted.

The present use of the Panama Canal averages only 19 vessels daily. Its capacity is more than double that number and when certain improvements now being made are completed the canal's capacity will be 54 vessels daily. It is estimated that even at the present rate of increase in use, such rate being more than improbable, the canal will have sufficient capacity for the next 60 to 70 years.

It is wholly obvious that no emergency exists and that the haste and pressure with which it is sought to force the adoption of this measure is wholly uncalled for so far as any legitimate purpose which it can have. We are therefore warranted in believing that its adoption is sought for some hidden purpose and to accomplish some secret end.

During the last session of Congress the excuse which the administration advanced for keeping our marines in Nicaragua was to preserve order and to help in the election of a president. That election was held months ago, but several thousand of our marines are yet in Nicaragua in violation of the promise to evacuate them. No excuse has been offered for the failure to bring our marines home. We are unwilling to afford the administration such an excuse through the adoption of this resolution. Our position is that we should not further meddle with the internal affairs of Nicaragua, and that we should not take any action with relation to the concession for a Nicaraguan canal until our marines have been withdrawn and the control of their country restored to the Nicaraguans.

ABANDONING ORDERLY PROCESSES OF LEGISLATION

Now we find that the Senate, not content with having passed the measure several days ago, are unwilling to await the orderly processes of legislation, have placed in this deficiency bill an item of legislation which has the same legal effect as the prior bill which is now pending before this body. Without waiting for the House to act upon that bill and without waiting for the House to authorize the appropriation, the Senate has made the appropriation and it is included in this deficiency bill. You are now asked to authorize the conferees on the part of the House to agree to that provision.

I ask you gentlemen: Do you mean to have orderly processes of legislation? Do you desire to have fair and open debate upon matters of great importance, matters which will probably affect our international relations, or are you willing to hide your heads in the sand like an ostrich and let the committee on conference, which has had no hearings and has no information upon the subject, agree to the item and bind your hands in that way?

Mr. DICKSTEIN. Will the gentleman yield?

Mr. HUDDLESTON. For a brief question.

Mr. DICKSTEIN. Do I understand that the gentleman objects to the item for investigating the Nicaraguan canal, which was purchased by the Government for several million dollars during the Wilson administration?

Mr. HUDDLESTON. If I have not spoken to very poor purpose, I have gotten that idea over, I should imagine. [Laughter.]

THE FALSE DISGUISE AS AN "EMERGENCY"

This bill is pressed as though it were an emergency measure. We are told that the Panama Canal is inadequate to the demands which are being made on it and that it is very necessary that we take immediate action. There is, so they say, no time

to consider this in an orderly and reasonable way. Yet what are the facts? The facts are that the use of the Panama Canal averages only 19 ships a day, while its present capacity is more than double that number. The facts are that we are now improving our water supply by work and when that work is completed, as it will be within a short time, the capacity of the canal will be 54 ships a day.

And what are the further facts? At the present rate of increase in the use of the canal, a rate which can not be maintained because it has been abnormal—a rate which must inevitably reach its peak within a few years—even at that present rate the canal, with the improvements making possible the passage of 54 ships a day, will be adequate for the next 70 years. That is what the Governor of the Canal Zone says.

There is no real purpose and no real desire to investigate the possibilities of enlarging the Panama Canal. It is merely an afterthought—an amendment thrust into the bill in the Senate against the wishes of the proponents of the measure. Their eyes are fixed solely upon Nicaragua. They are thinking of nothing but Nicaragua. The proposed appropriation is intended only for the Nicaraguan situation. And I ask why? Well, there is no reason that can be told to the public. There is no reason that you gentlemen, mere Representatives of the people, are fit to know. You ask me when such a scheme is attempted to be put over to agree to it. I say no. This measure demands debate, the House needs information, and the committee which has charge of this matter should have some opportunity to get that information.

NO REASON FOR INTEMPERATE PRESSURE

If any Member can give me a single reason why we should jam this matter through without giving any opportunity for investigation, then I will gladly yield the floor and accord to those who are advocating the measure the wish of their hearts, the passage of the bill.

Is there any Member present who knows why this measure should be pressed by such extreme measures? Is there anybody here who knows any reason which would make of this an emergency measure? If there be, I will yield to him to tell me what that reason is. What is it? I pause for an answer. Silence, silence.

I observed a moment ago sitting in the Chamber the chairman of the House Committee on Foreign Affairs, and I observe before me the chairman of the Committee on Interstate and Foreign Commerce, who is pressing this measure. I ask them, why is this an emergency measure; why can not it wait until the next Congress? No answer comes. [Applause.]

"A BUG UNDER THE CHIP"

Gentlemen, am I not warranted under the circumstances in saying that there is "a bug under this chip?" I do not know what it is. I do not know the nature of the vermin; but I know it is there. I know the bug is there. Of course, we can but speculate. A distinguished Senator said in the Senate last night—and, by the way, in my judgment he is the biggest man around Washington, GEORGE NORRIS—he said that he believed the real purpose of this measure was to afford the administration an excuse for continuing to keep our marines in Nicaragua. I do not say that is the reason, but it looks like a pretty good guess. I do not know what the reason is. Apparently nobody knows, for nobody will tell you. They seem to expect us, sheep-like, to jump the fence behind some leader. I fancy Senator NORRIS's is just about as good a guess as anybody could make.

I said to our chairman—fine gentleman that he is—that I would cheerfully agree to a measure to investigate the possibilities of increasing the facilities of the Panama Canal so that it would take care of any prospective increase in commerce, and asked, "Why do you not strike out the Nicaraguan end of this bill and leave us to investigate merely the enlargement of the Panama Canal?" I hope I do not betray his confidence when I say here in his presence that his reply was "You can not get the bill through in that shape."

So I come back to the statement that the purpose of this bill is to deal with the Nicaraguan canal route, that it has no application to the Panama Canal, and that its proponents do not want it for the purpose of enlarging the Panama Canal. Then I ask, What do they want it for?

Of course, with any fair opportunity for debate—

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. HUDDLESTON. Yes; for a question.

Mr. JACOBSTEIN. Has the gentleman received, as I have received, letters from back home, apparently, from parties owning land down in Nicaragua, wanting this survey to be made?

Mr. HUDDLESTON. No; I have not. My constituents do not write me much about such things; they always know pretty well what I am going to do.

NO OPPORTUNITY FOR FAIR DEBATE

If we had an opportunity for any fair debate in this Chamber, I would like to discuss the Bryan-Chamorra treaty. I would like to point out the circumstances under which the treaty was signed and how the Nicaraguan Government, for the pitiful sum of \$3,000,000, gave us in perpetuity the exclusive right of building a canal across their country. I would like to call attention to the fact that the Chamorra government was merely a puppet government and under the domination of the United States. I would like to go on down the line and present to you the history of the relations between the United States and the Government of Nicaragua, and to show you that our present administration regards Nicaragua as merely an American protectorate.

I am unwilling to send a troop of engineers into Nicaragua as long as we keep the marines there. Let us bring back the marines. Let us cease to meddle with Nicaraguan affairs. Let us accord to Nicaraguans the right of self-government which we assert for ourselves. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WOOD. I yield 10 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker and gentlemen, the gentleman from Alabama is characteristically suspicious. He generally sees something dark and sinister about any bill he does not agree with. The motion before us is to send this bill to conference. It does not necessarily mean that the conferees will agree to the proposal being discussed, but in the interest of legislation, the bill ought to be sent to conference, and I hope the motion of the gentleman from Indiana will prevail.

The gentleman from Alabama has indicted the former Secretary of State, Mr. Bryan, who was known as a friend of the people, and who was generally interested in the welfare of the people. He was Secretary of State when the treaty with Nicaragua was negotiated. He has indicted a former Democratic administration. The treaty was negotiated under President Wilson's administration. He has indicted the Senate, which approved and consented to the treaty.

We made this treaty with Nicaragua by which that government agreed that, in consideration of the payment of \$3,000,000, the United States should be granted the exclusive right to construct an interoceanic canal across the Republic of Nicaragua. And the treaty provided that whenever we got ready to construct the canal an agreement will be entered into between the two countries providing the details of the terms upon which the canal shall be constructed, operated, and maintained.

Nothing can be done until another treaty has been negotiated between the Nicaraguan Government and our Government, which will have to be approved by the Senate. We have no reliable information as to what such a canal would cost or the place it should be constructed. We have had no information about it since the report of the Isthmian Canal Commission made to Congress in 1901. Since then we have constructed the Panama Canal, and our experience has given us a great deal of information about constructing canals that we did not have when the last report was made.

In view of modern developments in the construction of canals, in view of modern improvements in machinery, and in view of our experience in constructing the Panama Canal it is believed that the report of the Isthmian Canal Commission on the practicability and costs of a canal on the Nicaraguan route is out of date and no longer reliable, and that we ought to have a later investigation and report.

The Senate bill now pending before the House merely authorizes an investigation and collection of facts to be reported to the Congress. Why should anyone entertain any fears or suspect any sinister motives back of a mere proposal for an investigation and survey and report of the facts back to Congress? I do not think the gentleman from Alabama is justified in the inference that he draws. I want to say to the House that the Senate resolution has been carefully considered by the Committee on Interstate and Foreign Commerce and has been reported back to the House entirely changed. We have stricken out all after the enacting clause and reported an entirely new resolution in its place.

This new resolution simply provides for an investigation and survey, first, of the practicability and probable cost of enlarging the locks and other facilities of the Panama Canal; and, second, for an investigation and survey of the practicability and probable cost of the proposed canal across the Republic of Nicaragua; and third, for an investigation and survey of the practicability and probable cost of any other interoceanic canal in the Republic of Panama.

During the month of January this year there passed through the Panama Canal an average of something over 23 vessels a day. During the year 1928 there passed through the canal an average of 19 vessels a day. The total capacity of the canal under the very best and most favorable conditions will be about 54 vessels a day. Our water supply is running low, and we are now arranging to build another reservoir. It will take four or five years to complete that.

If we should undertake to enlarge the capacity of the present canal by the construction of additional lock chambers and the enlargement of other facilities, if that should be found to be practicable, it will take at least 10 years' time to complete the work; and those who are interested in this subject believe that it is the part of wisdom to look ahead and secure the information necessary for legislation if Congress should decide to consider legislation to provide canal facilities for the growing commerce of the future. [Applause.]

Why should we not do that? And while we are getting the information as to the practicability and probable cost of enlarging the Panama Canal to take care of the commerce of the future, why should we not also get information as to the practicability and probable cost of constructing another inter-oceanic canal where we have the right to construct such a canal by treaty? Why should that arouse anyone's suspicions? The fact is that my friend from Alabama is opposed to our marines being in Nicaragua, and, following the leadership of one Member of another legislative body, he wants to hold up all these appropriations until we withdraw the marines from Nicaragua. I hope the House will not go along with him in that. This proposition is not connected in any way with the maintenance of our marines in Nicaragua. There is no connection between them. Why should the presence of our marines in Nicaragua prevent Congress from obtaining information on the practicability and probable cost of constructing a canal where we have the right to do so under a treaty? The information is not going to hurt anybody. The resolution now before the House does not commit this Government to the construction of any canal or to any other project. It merely seeks information to enable Congress to act intelligently, and to enable us to act in time. We ought not to wait until there is an actual emergency before we secure the information necessary to enable us to pass legislation to meet that emergency.

Mr. NEWTON. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes; I yield to the gentleman from Minnesota.

Mr. NEWTON. It does not commit, and, if I understand the resolution correctly, neither does it emphasize one route over the other or anything of that kind.

Mr. DENISON. The gentleman from Minnesota is correct. It is merely a resolution to authorize an appropriation of \$150,000 to be used by the President to secure up-to-date information on these very important subjects which sooner or later must receive the attention of Congress.

Mr. DICKSTEIN. Does that include both the investigations in respect to the Panama and Nicaragua?

Mr. DENISON. Yes; and the House resolution places the proposal for the investigation and survey of the Panama Canal first.

Mr. SIMMONS. As I understand it, the question before us now is not this survey. The question is sending the deficiency appropriation bill to conference, with the right of the conferees to make certain violations of the ordinary rules of the House regarding this particular legislation.

Mr. DENISON. In order that this very important bill may pass and become a law before Congress has to adjourn on the 4th of March.

Mr. SIMMONS. And this involves a whole series of amendments that are in conference.

Mr. DENISON. Exactly. The merits of the legislative proposal for these investigations will be presented to the House probably to-morrow. When the resolution, as amended by our committee, is before the House, where it can be seen and understood, I am sure there will be no serious opposition to it. I have for years been intensely interested in our great canal project at Panama. It is the greatest project ever undertaken and successfully completed by any government. I doubt if an interoceanic canal will ever become necessary through Nicaragua. But none of us can see very far into the future, and it is the part of wisdom to look forward as far as we can. All of us ought to be willing to have the best available information that may be needed to enable us to meet this great problem of the world's growing commerce and our own increasing interests.

Mr. WOOD. Mr. Speaker, I do not want anybody here to get it into his head that by voting for the motion that I have made

he is committing himself to the Nicaraguan canal proposition. I am opposed to it myself. [Applause.] I do not want anyone here to think this committee is trying to take advantage of this House. Our only purpose is in trying to expedite the passage of this deficiency bill. We have been trying for a long time to get the first deficiency bill passed, and thus far we have failed. If we fail in getting this one passed, a great many of the activities of this Government are going to suffer. I don't believe anybody wants to take any unnecessary responsibility for such a possibility as that. I say to the Members of this House that all that is involved in the question raised by the gentleman from Alabama [Mr. HUDDLESTON] is whether or not we shall ascertain the facts with reference to existing conditions concerning the Nicaraguan route. We have to ascertain facts with reference to whether or not it is necessary to build a new dam in Panama. Whether it is necessary to spend millions of dollars to build a road up to the place where they are to build this new dam. All of these things are informative. Even those opposed to the Nicaraguan route will want to know the facts if the matter is ever presented to the House for the establishment of a Nicaraguan route. There is nothing to fear by reason of the adoption of this motion so far as Nicaragua is concerned. The same objection might be made with reference to many other amendments on this bill.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and send the bill to conference.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 238, noes 6.

So two-thirds having voted in favor thereof, the rules were suspended and the motion agreed to.

Mr. TILSON. Mr. Speaker, did the Chair announce the vote?

The SPEAKER. I have announced it.

Mr. TILSON. Has the Chair announced the fact that two-thirds had voted in the affirmative?

The SPEAKER. The Chair did. The Chair will announce as the conferees on the part of the House Mr. WOOD, Mr. CRAMTON, and Mr. BYRNS.

A MARRIAGE ANNOUNCEMENT

Mr. BOYLAN. Mr. Speaker, I desire to make a very important announcement to the House, and with the permission of the Speaker I will make it; and that is that our distinguished colleague from New York, Representative LAGUARDIA, was married to-day. [Applause.]

Our ministerial colleague, the gentleman from Minnesota, Mr. KVALE, tied the knot, and I move you, sir, that the felicitations of the House be extended to the happy couple. [Applause.]

The SPEAKER. It is carried unanimously. [Applause.]

NEW BERN (N. C.) HISTORICAL PAGEANT

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks on House Concurrent Resolution No. 60, in relation to the historical pageant at New Bern, N. C., and to include historical statement prepared by the legislative reference bureau of the Library.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the people of North Carolina are contemplating a great historical pageant during this year, to be held in the city of New Bern, the capital of North Carolina, during the colonial period of our history.

The Legislature of North Carolina has passed a resolution recognizing this great historical occasion as being of national and state-wide importance, and has appointed a committee to attend the celebration. The North Carolina Society of the Daughters of the American Revolution have also passed appropriate resolutions commending this occasion as being one of national and state-wide importance and of great historical value.

The National Society of the Daughters of the American Revolution, through its president, Mrs. Alfred E. Brosseau, and also through the chairman of the national legislative committee, Mrs. Edwin C. Gregory, have indorsed this occasion. It is very desirable that the Congress of the United States should be represented on this occasion.

Outside of the national historical significance of the occasion, the people of North Carolina feel that as their State has forged ahead so materially and is now the second State in the Union in the payment of Federal taxes, that it would be mete and proper for the Congress to send representatives for this occasion. We feel that the precedents are ample and, even if they were not, that the occasion justifies the passage of this resolution. The resolution does not call for any more than the ap-

pointment of three Members of the Senate and three Members of the House to attend the celebration.

This pageant will be a very elaborate affair and will commemorate the early history of the State of North Carolina, beginning in 1584, when Sir Walter Raleigh sent out expeditions from England and they landed on North Carolina shores, and also the birth of the first white child born of English parentage in America, Virginia Dare; and then will be a picturization of the early Indian tribes and the early colonial history up until the time of the settlement of the State by the French Huguenots and the Swiss, headed by Baron de Graffenreid, the city of New Bern being named for the Swiss city of Berne.

It is the purpose and intent of those in charge of the celebration to have present on this occasion the Swiss ambassador and other notables.

A very beautiful part of the pageant will be the representation of the Spirit of the Cypress, one of the native trees, and then the Sprites of the Rivers, the Neuse and the Trent, these two rivers being named for Indian tribes. Then the pantomime Homeland Memories of the Settlers, concerning the early Indians, with King Hancock, a notable Indian, being represented with his band of Indian braves.

Then will be represented Baron de Graffenreid and the Palatines and the Swiss.

The Quakers will be represented. These were descendants of the early Pennsylvania Quakers who moved from Pennsylvania to North Carolina.

Then will be pictured Pastor Philip de Richebourg and the bagpipers and Scottish young people.

Then will be pictured John Lawson, the great surveyor general of that period.

It may be of interest in this connection to state that John Lawson was out among the Indians with Baron de Graffenreid, and that they were tried by the Indians, and that de Graffenreid was released on the idea that he was a king, and that John Lawson was stripped naked and his body filled with pine splinters and he was burned to death. The narratives of Lawson's doings are of very great historical value, not only from a state-wide standpoint but from a national standpoint as well.

The second act will picture a ball at the Tryon Palace. Governor Tryon will be represented; also Mrs. Tryon, Miss Esther Wake, Richard Caswell, who was afterwards the first Governor of North Carolina under the Constitution, John Ashe, Abner Nash, Rev. James Reed, Mary Hooks, friend of Esther Wake, and Col. Ezekiel Slocumb. Mary Hooks later married Ezekiel Slocumb and was the heroine of the Battle of Monroe Creek Bridge (which the Government has recognized by turning the battle field into a national military park). John Hawks, an early historian of this country, will also be represented. Mr. Tomlinson, an early schoolmaster of the New Bern Academy, will be represented. Mr. Gifford, an actor from Wilmington, Hermon Husband, a Regulator who took part in the war of the Regulators, Mr. Joseph Hewes, a signer of the Declaration, born in New Jersey, in Kingston, in 1730, and moved to North Carolina and was honored by our State, will be represented in the pageant, and many others who took part in the early formation of our Government.

When I introduced this resolution I had the legislative reference service of the Library of Congress to furnish me a brief showing the historical significance of this occasion as it applied to the Nation as a whole, and I am herewith making the same a part of my remarks.

Although the colony which Raleigh undertook to establish in North Carolina was a failure it planted the seed which produced the fruit at Jamestown. His failure contained a lesson and showed the place at which success would be found. His faith in the expansion of English power was communicated to others, the patriotic faith of his colony hung over the imagination of his countrymen, and the cause of colonization was not forgotten. (Bassett, Short History of the United States, 1921, pp. 43, 44.)

Dr. Clarence R. Williams, one of the best historians of the country, who furnished this brief sets forth the principal reasons why this pageant will have national historical significance. He quotes Bancroft's History of the United States, volume 4, pages 390 and 391, in which it is stated, "The people of North Carolina were the first in America to vote an explicit sanction of independence."

This one fact alone justifies the passage of this resolution. The pageant will also take into consideration and will celebrate the first revolutionary fight at Alamance, the Declaration of Independence, Mecklenburg declaration of independence, the famous Edenton tea party, Battle of Moores Creek Bridge, Battle of Guilford Court House, Battle of Kings Mountain, and other matters of state-wide and national importance.

NORTH CAROLINA AND AMERICAN HISTORY

NORTH CAROLINA AND COLONIAL HISTORY

North Carolina possesses the site of the first attempt of the English to plant a colony within the present bounds of the United States, and here was born Virginia Dare, "first offspring of the English race in what is now the United States," on the 18th of August, 1585.

The efforts of Sir Walter Raleigh to plant a colony on Roanoke Island and the pathetic and romantic story of the "lost colony" are too well known to require repetition.

Although this colony proved a failure, Raleigh "did, indeed, at Roanoke Island plant the seed which produced fruit at Jamestown. His failure contained a lesson and showed the place at which success would be found. His faith in the expansion of English power was communicated to others, the pathetic faith of his colony hung over the imagination of his countrymen, and the cause of colonization was not forgotten." (Bassett, Short History of the United States, 1921, pp. 43, 44.)

NORTH CAROLINA AND INDEPENDENCE

The people of North Carolina were the first in America to vote an explicit sanction to independence.

"North Carolina, proud of its victory over domestic enemies, and roused to defiance by the arrival of Clinton in their great river, met in congress at Halifax on the 4th of April [1776]; on the 8th appointed a select committee, of which Harnett was the head, to consider the usurpations and violences of the British Parliament and King; on the 12th, after listening to its report, unanimously 'empowered their delegates in the Continental Congress to concur with the delegates of the other colonies in declaring independency and forming foreign alliances.' At the same time they reserved to their colony the sole right of framing its own constitution and laws. *The people of North Carolina were the first in America to vote an explicit sanction to independence.*" (George Bancroft, History of the United States, N. Y., Appleton, 1884. Vol. IV, pp. 390, 391. Quoted from the author's last revision.) (Italics added.)

The events in North Carolina during the summer of 1775 which preceded this decisive step are recounted by Bancroft in the following words:

"In North Carolina, fourth among the thirteen colonies in importance, all classes, for the distance of a hundred miles from the sea, were penetrated with enthusiasm for liberty. Men whom royalists revered as of 'the first order of people in the country,' of unblemished integrity and earnest character, loyal by nature, after thoughtful consideration decided irrevocably against the right of the British Parliament to tax the colonies. In Brunswick County Robert Howe, formerly captain of Fort Johnston, employed himself in training the people to arms. At New Bern, the capital whose name kept in memory that its founders were from Switzerland, volunteers formed themselves into independent companies.

"On the waters of Albemarle Sound, over which the adventurous skiffs of the first settlers of Carolina had glided before the waters of the Chesapeake were known to Englishmen, the movement was assisted by the writings of young James Iredell from England, by the letters and counsels of Joseph Hewes, and by the calm wisdom of Samuel Johnston, of Edenton, a native of Dundee in Scotland, a man revered for his integrity, thoroughly opposed to revolution if it could be avoided without yielding to oppression. Using a power with which the last Provincial Congress had invested him, on the 10th of July he summoned the people of North Carolina to elect their delegates. Two days later Dartmouth wrote from the King: 'I hope that in North Carolina the governor may not be reduced to the disgraceful necessity of seeking protection on board the King's ships'; and just then Martin took refuge on board a British man-of-war.

"Richard Caswell, hastening home from the general congress and reluctantly admitting the necessity of American resistance, advised the most resolute conduct and even censured the New Bern committee for suffering the governor to escape.

"On the 21st of August [1775] the people of North Carolina assembled at Hillsboro in a convention of more than 180 members. A spirit of moderation controlled their zeal. * * * In a vituperative, incoherent proclamation, Martin [the royal governor] had warned them against assembling as tending to unnatural rebellion; they voted his proclamation 'a false and seditious libel,' and ordered it to be burnt by the hangman. They professed allegiance to the King and resistance to parliamentary taxation. They resolved that the people of the Province, singly and collectively, were bound by the acts of the Continental Congress and their provincial convention, because in both they were represented by persons chosen by themselves. * * *

"The meditated resistance involved a treasury, which for the time was supplied by an emission of paper money; the purchase of ammunition and arms; a regular force of 1,000 men; an organization of the militia of the colony; an annual provincial congress to be elected by all freeholders; a committee of safety for each of the six districts into which the Province was divided; a provincial council, consisting of the

president of the convention and two members from each of the six divisions, as the great executive power. * * *

"On the 24th [of August, 1775], Franklin's plan of a confederacy was introduced by William Hooper. * * * The proposition was about to be adopted when Johnston interposed, and on the 4th of September it was voted, but not unanimously, that a general confederation ought only to be adopted in the last necessity. Hooper acquiesced; and the house, in its address to the inhabitants of the British Empire, unanimously disavowed the desire for independence, asking only to be restored to the state existing before 1763." (Bancroft, History of the United States, 1884, Vol. IV, pp. 258-260.)

The events leading up to the action of North Carolina in authorizing her delegates to support independence have been described by John Spencer Bassett, a native of North Carolina, as follows:

"By the close of 1775 only the exporters and merchants of England thought of yielding to America. As further notice of the unyielding intention of the British, Falmouth, Me. (Portland), was burned in October and Norfolk, Va., on January 1, 1776. * * * It was now so evident that the Colonies must submit or fight that most of the Conservatives gave up their opposition to independence. * * *

"By the spring of 1776 the Conservatives were driven to the last ditch. They desired some form of colonial home rule which should preserve British sovereignty and leave the Colonies a large measure of self-direction. They were strong in the Middle Colonies, especially in Pennsylvania and New York, where the older settlements felt much apprehension at the prospect of a democratic upheaval which should disturb the political center of gravity. New England, Virginia, and North Carolina were clearly with the Radicals and South Carolina and Georgia were undecided. * * *

"While Congress thus hesitated in hope of uniting the two factions within its membership, *North Carolina, the one democratic southern Colony, authorized her delegates at Philadelphia to support independence.* It was the step uppermost in the minds of the Radicals, and other Colonies followed rapidly. May 15 Congress advised the Colonies to continue no longer in the parlous state in which they then were, but to erect themselves into States, with governments resting on the consent of the people. The advice had already been anticipated by Virginia, where a convention met on May 5, and on the 15th declared Virginia independent of Great Britain. This action by the oldest and largest of the thirteen Colonies had a most powerful effect on the hesitating ones. * * *

"June 7 Richard Henry Lee, of Virginia, gave further evidence of the leadership his State had assumed when he introduced in Congress three important resolutions. They declared: (1) That the thirteen Colonies were and ought to be free and independent. * * *." (Bassett, John Spencer, A Short History of the United States. New York, Macmillan, edition of 1921, pp. 186, 187. Italics added.)

The feeling at this time of the people of North Carolina is graphically described by Hooper and Penn, the former writing to their colleague, Hewes, who with them represented North Carolina in the Continental Congress in Philadelphia, under date of April 17, after arrival at Halifax, N. C.:

"The language of Virginia is uniformly for independence. If there is a single man in the Province who preaches a different doctrine, I had not the fortune to fall in his company. But rapid as the change has been in Virginia, *North Carolina has the honor of going far before them.* Our late instructions (passed April 12) afford you some specimen of the temper of the present Congress and of the people at large. It would be more than unpopular—it would be Toryism—to hint the possibility of future reconciliation."

At the same time Penn was writing John Adams—

"As I came through Virginia I found the inhabitants desirous to be independent from Britain. However, they were willing to submit their opinion on the subject to whatever the General Congress, i. e., the Continental Congress, should determine. *North Carolina by far exceeds them,* occasioned by the great fatigue, trouble, and danger the people have undergone for some time past. Gentlemen of the first fortune in the Province have marched as common soldiers; and to encourage and give spirit to the men have footed it the whole time, Lord Cornwallis with seven regiments is expected to visit us every day, Clinton is now in Cape Fear with Governor Martin, who has about 40 sail of vessels, armed and unarmed, waiting his arrival. The Highlanders and regulators are not to be trusted. Governor Martin has coaxed a number of slaves to leave their masters in the lower parts; everything base and wicked is practiced by him. These things have wholly changed the temper and disposition of the inhabitants that are friends of liberty; all regard or fondness for the King or nation of Britain is gone; a total separation is what they want. Independence is the word most used. They ask if it is possible that any colony, after what has passed, can wish for a reconciliation? The convention has tried to get the opinion of the people at large. I am told that in many countries there was not one dissenting vote." (Quoted from Conner, R. D. W., History of North Carolina, Vol. I, pp. 396, 397. Italics added.)

The account of how this resolution was passed and its precise wording is briefly stated as follows:

"The Fourth Provincial Congress of North Carolina, meeting at Halifax on April 4, 1776, on the 8th appointed a committee 'to take into

consideration the usurpation and violence attempted and committed by the King and Parliament of Great Britain against America, and the further measures to be taken for frustrating the same, and for the better defense of this Province."

On April 12 the committee submitted the following which was unanimously adopted by the provincial congress:

"Resolved, That the Delegates for this Colony in the Continental Congress be *impowered to concur* with the Delegates of the other Colonies in *declaring independency* and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a constitution and laws for this Colony, and of appointing Delegates from time to time (under the direction of a general representation thereof), to meet the Delegates of the other Colonies for such purposes as shall be hereafter pointed out." (Conner, History of North Carolina, Vol. I, p. 398. Italics added.)

A copy of this resolution was immediately sent to Philadelphia to Joseph Hewes, then representing the Colony in the Continental Congress, to be laid before that body. "Its effect on the movement for independence was immediate and widespread. The newspapers gave it wide publicity. Leaders in the Continental Congress hastened to lay it before their constituents." "I hope to see my native Colony follow this laudable example," wrote Elbridge Gerry of Massachusetts, John Adams, Samuel Adams, and Caesar Rodney of Delaware wrote to like effect.

"On May 15, Virginia followed North Carolina's lead, and on the 27th of the same month, just after Joseph Hewes had presented to the Continental Congress the resolution of the North Carolina Congress, the Virginia Delegates presented their instructions. Virginia had gone one step further than North Carolina, for while the latter 'impowered' her Delegates to 'concur' with the other Colonies in declaring independence, the former 'instructed' her Representatives to 'propose' it. Hence it was that Richard Henry Lee, of Virginia, and not Joseph Hewes, of North Carolina, won the distinction of moving 'that these United Colonies are and of right ought to be free and independent States' [June 7]." (Conner, History of North Carolina, Vol. I, p. 399. Italics added.)

Among other writers emphasizing the same fact the following may be quoted, in which we have put in italics the statements:

"North Carolina was thoroughly aroused by the Tory peril that was stemmed at Moore's Creek and by the presence of a hostile foe under Sir Henry Clinton on the Cape Fear River. *Her provincial convention was the first body of the kind to give explicit approval to the proposal of independence* (April 13, 1776), and the same day it appointed a committee to prepare a tentative draft of a constitution." (Nevins, Allan, The American States During and After the Revolution, N. Y., Macmillan, 1924, p. 111.)

"*This was the first vote in America giving explicit sanction to independence.* Some of the Colonies were loth to separate from the English Government for fear of losing satisfactory internal governments. This was not the case in this Colony. The distractions of internal administration had so alienated its affections that it was not loathe to part with the system. But the colonists were jealous of weaving their internal governments with those of the other Colonies. This Province specifically reserved for itself the power of making its own laws and establishing its own form of government." (Sikes, E. W., The Transition of North Carolina from Colony to Commonwealth, Baltimore, Johns Hopkins Press, 1898, p. 59.)

"*North Carolina was the first Colony to act as a unit in favor of independence.* It was fourth in importance of the United Colonies. Its provincial congress had organized the militia, and vested the public authority in a provincial council for the whole Colony, committees of safety for the districts, and county and town committees."

After quoting from the resolution of April 12, 1776, and telling how it was passed unanimously, the writer goes on to say:

"Thus the popular party carried North Carolina as a unit in favor of independence, while the Colonies—from New England to Virginia—were in solid array against it [sic]. The example was warmly welcomed by the patriots and commended for imitation. The bold instructions and the military triumph were the sequence of the King's expedition. The royal indignation was soon (May 5, 1776) embodied in a proclamation, declaring a rebellion in North Carolina but promising pardon to all who would return to their duty except Cornelius Harnett and Robert Howe." (Frothingham, Richard, The Rise of the Republic, Boston, Little, Brown, 1890, pp. 502, 504.)

"North Carolina alone bound her inhabitants in honor to obey the acts of the Congress to which she was sending Delegates [i. e., the Continental Congress]." (S. van Tyne, Claude H., Causes of the War of Independence, 1922, p. 438.)

NORTH CAROLINA AND THE REVOLUTION

As the Encyclopedia Britannica says: "North Carolina fought under Washington at Brandywine and Monmouth and played a still more important part in the southern campaigns of 1778-1781. The State was twice invaded, in 1776 and in 1780-81, and two important battles were fought upon her soil, Moore's Creek on the 27th of February, 1776, and Guilford Courthouse on the 15th of March, 1781." (Encyclopedia Britannica, 11th ed., Vol. XIX, p. 777.)

North Carolina had a part also in the great victory of Kings Mountain, of which Bancroft speaks as follows:

"The victory at Kings Mountain, which in the spirit of the American soldiers was like the rising at Concord, in its effects like the successes at Bennington, changed the aspect of the war. The loyalists of North Carolina no longer dared rise. It fired the patriots of the two Carolinas with fresh zeal. It encouraged the fragments of the defeated and scattered American Army to seek each other and organize themselves anew. It quickened the North Carolina Legislature to earnest efforts. It inspired Virginia to devote her resources to the country south of her border. The appearance on the frontiers of a numerous enemy from the settlements beyond the mountains, whose very names had been unknown to the British, took Cornwallis by surprise, and their success was fatal to his intended expedition. He had hoped to step with ease from one Carolina to the other, and from these to the conquest of Virginia; and he had now no choice but to retreat." (Bancroft, History of the United States, 1885, Vol. V, p. 400.)

It is true that the battle field of Kings Mountain is in South Carolina, about a mile and a half south of the North Carolina line (though the mountain itself, which is 16 miles in length, extends across the State boundary), but in the battle the men of North Carolina played their part and played it well.

The second British invasion of the South began with the seizure of Savannah, December, 1788, and the surrender by Lincoln of Charleston, May, 1780. South Carolina was at the mercy of the enemy and Clinton, thinking the province well conquered, returned to New York, leaving to Cornwallis the task of extending the conquest into North Carolina. The Continental Congress sent Gates the "hero of Saratoga," down (against the advice of Washington), who was crushingly defeated at Camden, S. C., August 16. After his flight to North Carolina he was succeeded in command in the South by General Greene, the choice of Washington, who was appointed on December 2, 1780.

"Before that time the British had met their first check in the South, at Kings Mountain, October 7, 1780. After Camden, Cornwallis moved into North Carolina, gathering food and horses. He halted at Charlotte * * * while Major Ferguson, with 1,000 Tories, scoured the country to the west, collecting supplies and enlisting recruits; for that country was strongly loyal. The Whigs fled before him and alarm spread even to the transmontane settlements of Watauga and Kentucky. From this distant region, bands of mounted men, under leaders of their own choosing, marched eastward, September 26, to bag Ferguson. Having crossed the mountains, they were joined by 510 North Carolinians and 400 South Carolinians, a total force of 1,800. Ferguson heard of their approach and moved toward Charlotte (where Cornwallis was). Thirty-five miles from that place he came to Kings Mountain, the northern end of which is cut by the State line. It is a hill 60 feet high, flat at the top, a third of a mile long, and Ferguson believed it impregnable. On its top he placed his 900 men and awaited attack. The Whigs were riding hard behind, and October 7, a picked band of the best mounted arrived at the hill, surrounded its base, and began a vigorous attack. On alternate sides they charged up the slopes and then fell back, using whatever cover they could find. Early in the fight, Ferguson was killed, and at the end of an hour the white flag was raised; 700 survivors surrendered; the rest were slain. It was a small battle, reckoned by the numbers engaged; but it was very important. It forced Cornwallis back into South Carolina, it gave courage to the Whigs in the Carolinas, and it checked the advance of the British until Greene could arrive and organize his defense. It marked the change of the tide in the South." (Bassett, Short History of the United States, 1921, p. 208.)

"The battle had lasted about an hour. No victory could be more complete. Ferguson's corps was entirely wiped out. Himself and 119 of his men were killed, 123 wounded, and 664 captured. This signal achievement had cost the Americans 28 killed, 62 wounded. It was the first ray of light to pierce the general gloom which had enveloped the country since the fall of Charleston. Washington saw in it 'a proof of the spirit and resources of the country'; Clinton lamented it as a 'fatal catastrophe.' Everywhere patriots hailed it as the turning point in the struggle. * * *

"It 'threw South Carolina [wrote Clinton] into a state of confusion and rebellion.' It 'totally disheartened' the Tories, 'disconcerted Cornwallis's' plans, and made his position at Charleston untenable. Deserted by his friends and threatened by fresh swarms of enemies, Cornwallis thought no longer of conquest, but of flight, and on October 12, hastily abandoning Charlotte, fled 'with great precipitation' to Winnsboro, S. C. * * * Thus was the soil of North Carolina once more freed from the invader." (Conner, History of North Carolina, Vol. I, p. 474.)

GREENE IN NORTH CAROLINA

General Greene, when he took command of the American Army in the Carolinas, had but 2,300 men, half of them regulars, while Cornwallis had a larger force, all trained soldiers. Greene sent Morgan with 600 men to threaten the British in western South Carolina at

Ninety-Six, and to encourage the Whigs, thus dividing his force. Cornwallis was between at Winnsboro, and sent Tarleton to drive off Morgan, but at Cowpens Morgan won, the survivors of the British force surrendering January 17, 1781.

Cornwallis, to avenge the defeat, marched against Morgan, who, on the afternoon of his victory, started to retire northward to make a junction with the force which Greene had ordered to retire from Cheraw. There resulted a race across North Carolina, the Americans trying to unite their divided forces, and Cornwallis endeavoring to attack and destroy Morgan before this could be accomplished. Greene, on his part would lure Cornwallis as far as possible from his base of supplies, and after uniting his forces, turn and destroy him. The American forces did unite at Guilford Courthouse, but Greene, not feeling strong enough for attack, continued his retreat until across the Dan River. However, after being reinforced by militia from North Carolina and Virginia, until he had about 4,400 men, he returned and attacked Cornwallis with 2,200 regulars at Guilford Courthouse.

Concerning this masterly retreat across North Carolina and its hardships Conner says (p. 479):

"Greene's management of this retreat entitles him to a place among the first soldiers of his age. * * * His personal participation in the dangers and hardships of the retreat was a constant inspiration to his men, whose suffering and heroic endurance equaled, if it did not surpass, that of Washington's men in the Trenton campaign. It was the depth of winter. The weather was wet and cold. The roads were knee-deep in mud and ice. Drenched with constant rain and sleet; often compelled to wade waist deep through foaming rivers; without tents, without blankets; pinched with hunger; half naked; marking the line of their march with the blood which flowed from their bare feet; constantly fighting rear-guard actions. Greene's men outmarched, outmaneuvered, and outfought their better-equipped adversaries, and when, after a continuous retreat of 22 days, they finally united forces with Huger at Guilford Courthouse, the British at Salem, 25 miles distant, were no nearer to them than they were on the day of Morgan's victory at Cowpens."

After Greene had placed an impassable river, the Dan, between himself and his enemy, he had not only saved his own army—

"He had led his enemy into a trap from which he could extricate himself only at great sacrifice, for Cornwallis was 230 miles from the base, in the enemy's country in dead of winter, without supplies, among timid friends, and with an ever-increasing hostile militia swarming in his rear. Greene's campaign elicited the highest praise from both enemy and friends. 'Every movement of the Americans during their march from the Catawba to Virginia,' wrote Tarleton, 'was judiciously designed and vigorously executed.' 'The rebels conducted their enterprises in Carolina,' declared Lord Germain, 'with more spirit and skill than they have shown in any other part of America.' 'Your retreat before Cornwallis,' wrote Washington, 'is highly applauded by all ranks.'" (Conner, History of North Carolina, Vol. I, pp. 479, 480.)

When Greene, with his reinforced army, struck at Guilford Courthouse on March 15, 1781, Cornwallis, by putting forth his best efforts in a desperate attack, caused the retirement of Greene with the loss of his artillery and 1,307 men, including 1,046 militia who dispersed to their homes. Greene retired to a strong position about 10 miles from the battle field to await his opponent's next move. Cornwallis, though nominally victorious, felt that his losses had been too heavy (532) to justify an offensive while his precarious position, far from his base, made it dangerous to simply hold the ground gained. He decided to retire to Wilmington, then in possession of a British force, where he could be protected by the British fleet. Therefore, on March 18, abandoning his wounded, he broke camp and retired to Cape Fear. Greene for a time followed, offering battle until he was assured of the destination of the British, then turned against the posts they held in the interior of South Carolina. Greene attacked the British at Eutaw Springs on September 8, but the British commander rallied his troops and drove the Americans from the field, though forced after the engagement to retire to Charleston. Meanwhile similar movements in Georgia had there driven the British into Savannah.

Thus Greene, by a series of movements in which he lost every battle but won every campaign, had wrenched Camden, Augusta, Ninety-Six, and all other interior posts, besides Georgetown, on the coast, from the grasp of the British. In all these campaigns the North Carolina troops took part.

"There were 248 North Carolina Militia at Hobkirk's hill and more than 200 of the new North Carolina Continentals at the siege of Augusta. At Eutaw Springs September 8 about half of Greene's army of 2,300 men were North Carolinians. A few were militia, the rest, brigaded under Gen. Jethro Sumner, were the 'Guilford Runaways,' now serving in the continental establishment. Discipline and training had turned them into excellent soldiers, and at Eutaw Springs they completely recovered the prestige which they had lost at Guilford Courthouse. The North Carolina Militia, forming the center of Greene's front

line, after fighting gallantly, fell back before the charge of British Regulars. As they retired, Sumner's Continentals rushed forward in a charge which Greene himself declared 'would have graced the veterans of the great King of Prussia,' and restored the line. 'I was at a loss which to admire most,' said Greene, 'the gallantry of the officers or the good conduct of the men.' * * *

"After Eutaw there was no further serious fighting in either South Carolina or Georgia. The British then held only Charleston and Savannah, from which, without sea power, the Americans could not hope to drive them, but elsewhere throughout those two States the American governments were firmly reestablished." (Conner, History of North Carolina, Vol. I, pp. 485-486.)

On April 25, 1781, Cornwallis set out for Virginia, leaving Wilmington and marching through the eastern section of the State. North Carolina was finally freed from the armies of the King, though the struggle between loyalists and patriots continued locally, even after his surrender at Yorktown, October 19, 1781.

CLARENCE R. WILLIAMS.

FEBRUARY 14, 1929.

ABRAHAM LINCOLN

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by Dr. B. J. Cigrand, of Batavia, Ill. Doctor Cigrand has for years been pronounced by the press as an authority on Lincoln and the United States flag.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. REID of Illinois. Mr. Speaker, under the leave to extend my remarks in the RECORD I include an address by Dr. B. J. Cigrand, of Batavia, Ill. Doctor Cigrand has for years been pronounced by the press as an authority on Lincoln and the United States flag. He is a scholar and lecturer, has been a member of the faculty of the University of Illinois for 32 years, and is the State commissioner of patriotism of the American Legion. One of his outstanding accomplishments was the organization of the American Flag Day Association, of which he was the first secretary and twice elected president. Thirty-five years ago he directed attention to the birthday of the flag—June 14, 1777—and by earnest, patriotic effort made it a national holiday, and is president of the National Flag Day Association, which induced President Woodrow Wilson to proclaim it an annual holiday.

This address was delivered at the Aurora Rotary Club celebration of Lincoln's birthday at the Union League Club, Aurora, on February 12, 1929. The subject was Lincoln Remained Unchanged. The address follows:

Few indeed are the world's leaders who have not changed radically their political, religious, and domestic careers. It is the exception and not the rule when they have maintained the ideals and enjoyments of their youth. When we study the biographies of the famed of the world we often find them, in their latter days championing—or advocating—what in their youth they opposed and showed intense antagonism for. Take as an example St. Paul, one of the greatest orators, and one of the most pronounced aides of Christianity, and you learn how when a young man he opposed and even resented at every opportunity the broad liberal views of Jesus Christ and with what severity he imprisoned and even tortured and killed Christians—yet calm reflection changed him and he became the most powerful convert in the history of Christianity.

Then, there was Constantine the Great, of Rome—with what vigor and enthusiasm he advocated paganism and later embraced with devotion the Christian creed. Oliver Cromwell when a lad was an intensified advocate of the reign by the royal family of England. The Bible reading and the contact with the working world led him eventually to be one of the greatest heroes in the battle of popular government. Others could be swung into this list of the Old World, including even the stern Napoleon of France.

But how of our own world and Nation? Well, there was Franklin, one-time king worshiper, then king hater. Washington, saturated in the aristocratic, regal atmosphere, yet against the wishes of his mother, he became one of the leaders of our Revolution. But primary and emphatic is the nature of Jefferson by his very blood and brain a real revolutionist—it compels opposition in his youth of the British idea of government. Antagonistic—and resentful—and finally the man who wrote the document that set us free.

But in Lincoln, whose memory grows brighter as time reflects his greatness founded on goodness—we get a new type of American. Born in the land of leadership, reared in a republic, nurtured in the forest, where the songs of freedom reign, he was completely satisfied with the form of government. The Constitution he learned was wisely formed. The basic structure, the Declaration of Independence, was most emphatic

and correct; in fact, the land—its history, growth, and destiny—seemed a part of his career. In fact he may well be called our man of destiny.

MADE BY INFLUENCE

Recently one of Lincoln's biographers—who has written so many sides of Lincoln that no geometric figure represents its multitudinous planes—stated in a New York paper that Lincoln was made by environs—circumstances, local influences. A deep study of the life of this American will teach you that it was the blood that flowed in his veins—the impulse received from long line of ancestry that made him the giant among men. He had in him the spirit of the love of freedom and that quality of mind would assert itself no matter in what part of the country he lived—no matter what type of work had he had, no matter in what country he might have first seen the light of day.

Circumstances did a few—and but very few—things to make him great. Circumstances may have polished some of his way, given him a degree of culture and refinement—but the jeweler who polishes a diamond does not make the diamond. He could polish many a hard stone but it would not be a diamond—and so with Lincoln—he was a diamond in the rough, and circumstances only assisted in bringing out the luster. Lincoln was a great character and he did not suddenly—like another biographer recently published—become great just because a chance was given him to walk into the light of publicity. He was an eager student of men, books, and nations, and his greatness does not begin at any particular place or point—he was just an advocate of righteousness at all periods of his adult life—and his eventual greatness was only in keeping with his introduction to an evolution of tasks. It was just as hard for him to tell a man in his youth, "No thanks, I do not gamble," as later to reply, "No, I do not smoke," and the man who offered him the cigar, said, "If you don't smoke you never will amount to anything," and Lincoln replied, "I am of the same opinion."

HUMAN AND KIND

Don't let me lead you to think him faultless—or sinless—but let me picture him as human and of a particularly kind, helpful, and constructive turn of mind.

Let me quote Lincoln as to the topic of circumstances. In 1837 he heard Dr. Peter Akers give an address on the glorious Republic we live in and the speaker said: "Who can tell but that the man who shall lead us through this strife may be standing in this presence." And Lincoln, the boy of 23 years, remarked to a group of his friends: "Gentlemen, you may be surprised, and think it strange, but when the preacher was describing the war—I distinctly saw myself, as in second sight, bearing an important part in that strife." Nor is that the only time when impulse and inspiration begot the vision picture for Lincoln of future events. When he was a representative at the State capital he made an address in which he said, in part: "I never feel myself so fully rising to the complete exercise of the faculties which God has given me, as when I contemplate my country, assailed and in danger, and I, alone, standing between her and the perils that surround her."

Do not those words carry a prophecy and paint a picture that came to pass? And does that youth vision show that future circumstances might prepare him—or do the words indicate that he was always prepared? Lincoln was a fighter, a scrapper, an athlete in his tendencies—not seeking trouble—not looking for strife, but when it came, instantly before him—he like his own, his real, his actual father Thomas Lincoln—they could tell it in words—with grappling fingers—with clinched fists and with cowhide boots. They were persons, father and son, who could tell a story, narrate a tale, and if need lick the bully of the community.

His liberty of spirit was inborn with him—though his Catholic, Methodist, Baptist, and Congregationalist teachers helped to polish up the stone. He, like Christ, made circumstances.

It is no wonder the world loves Lincoln—he loved the world and reflected the glory of an unselfish idealism—exemplified in the pages of a book we call the Bible, the substructure of our Republic, and Lincoln was not only familiar with that great book but he applied its philosophy and lived it—in a most exemplary way—and no man in the history of the world, since the days of Christ—so cheerfully and emphatically accepted all men as deserving—equality before the golden rule—as did this same greatly revered Lincoln—master of men, and servant of mankind.

To-day when the magazines and many books are filled with detracting articles pertaining to American leadership, and when many poorly informed scribblers are pronouncing Lincoln a form of lucky politician, it behooves us on his birthday to take invoice on facts. Besides the statements are made that he was far from being a statesman, but that those whom he had about him and whom he had wisely selected—they and not Lincoln were the real statesmen; and that they and not he were in control during the soul-trying period of the Civil War. And that instead of him being the leader of his Cabinet, he just congenially followed in the route, set by these members of the Cabinet. Let us see

if such is the case. Recently disclosed memoranda from the Nicolay papers show that at one time there was considerable unrest in the Cabinet, that several members, among them Seward and Stanton, were suggesting removals of some of the members of the Cabinet. The public was quite generally informed of the situation and the press editorialized about the affair. Then Lincoln, always slow to disturb affairs, decided he would put an end to the squabbling and he prepared a notice for the entire Cabinet. When it again assembled he handed the following to Seward with instructions: "When you have read this, hand it to the next member, and when all of you have read it, let the sheet come back to me," and here is the notice:

"I myself must be the judge how long to retain in, and when to remove any of you from his position. It would greatly pain me to discover any of you endeavoring to procure another's removal, or in any way to prejudice him before the public. Such endeavor would be a wrong to me; and much more, a wrong to the country. My wish is that on this subject, no remark be made, nor question asked, by any of you, here or elsewhere, now or hereafter."

CONTROLLED CABINET

That shows quite conclusively who was the schoolmaster. I could illustrate the point with scores of similar items to show that Lincoln not only controlled but directed his Cabinet, and as a commanding personality he, like all truly great men, kept himself slightly in reserve. No big giant mind tries to dictate. All famed leaders are reluctant about using all their power; they refrain from employing all their strength and are always timid about displaying their supreme command of a situation. It's only the little man who desires to impress the thought of his superiority.

Did not Lincoln manifest a great wisdom when the sons of Gen. R. E. Lee were captured and when all the leaders suggested they be not only held as prisoners but some even said, "Shoot them at sunrise"? Lincoln, with a Bible in his hand, called to see Stanton, severe military man, and who enforced war discipline. Lincoln said, "This book teaches mercy. I have come to tell you to send a wire stating, 'Release the sons of Robert E. Lee and restore them to their father.'" Here we have a double point in Lincoln's favor. It shows who was master, and it tells again in fondest terms that he would not use his entire power.

Though Lincoln was not always so mild, and at no time in all his writings do I find him setting aside the merciful as July 30, 1863, when he actually avowed the Mosaic law, "a tooth for a tooth and an eye for an eye." He practically told the South if you enslave any more of our captured men, we will enslave such of yours as we captured; if you kill any of our men in prison, we will kill such of yours as we hold captive. This, I believe, is the severest example in the career of Lincoln. He was driven to distraction, and I have a copy of that entire message in my possession.

HAD MILLIONS OF FOLLOWERS

There are many who overdo the laudation to Lincoln by saying he stood alone in the great Civil War. That is only fractionally true and applies to all leadership. The head must take the brunt. But he was not alone. He had millions of loyal hearts with him and hundreds of thousands of men were willing to offer up their lives that our country might receive salvation. No; Lincoln did not stand alone. Nor did Lindbergh fly across the Atlantic alone. Both had with them the lessons of our land. They could see Valley Forge; they visioned the fortitude, faith, and courage of Franklin, Washington, Jefferson, Madison, and Monroe. They had with them millions of inspiring memories, and they, too, had strength when hearts grow weak and minds act sluggish and eyes become dimmed by doubt and fear.

No man, no woman, no child stands alone when engaged in noble work. Friends, seen and unseen, lead us on by a smile, prayer, and thought. I do not share in the lines of Ella Wilcox, "Laugh and the world laughs with you; weep and you weep alone." You never in all your life really shed tears about a real disappointment, but what some other heart beat quicker. You never lay your head on the pillow, restless and stricken, but what some other mind, conscious of your grief, sobbed and hoped you be relieved. I am one who believes all this world is closely tied in a silvery chain of memories, and as Americans we surely are one in thought and action, for the principles so splendidly exemplified by our own idealist and leader, Abraham Lincoln.

HON. JAMES J. DAVIS, SECRETARY OF LABOR

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks on Mr. James J. Davis.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, James J. Davis has been Secretary of Labor for eight years. During his incumbency in office it was my good fortune to become very closely associated with him. As a member of the Immigration Committee I had quite a deal of official contact with him and it was often neces-

sary for me to importune Mr. Davis for considerate treatment. His courtesy is proverbial, his patience is unlimited, and his good humor never fails him. Every one of us who had occasion to come into contact with him is full of praises and happy beyond words to have dealings with this splendid public official.

Now that Mr. Davis's incumbency is coming to an end, let me use this opportunity to thank him for the wonderful manner in which he made me appreciate the great work of his department, the efficiency of his subordinates, and the spirit of helpful cooperation which you find on all sides when dealing with the Department of Labor.

Mr. Davis is a Republican, while I am a Democrat. During the years of Mr. Davis's incumbency my party was in the minority in the House of Representatives, but while in the minority in the House and while our party did not have a member representing it in the Cabinet during the eight years just past, I do not believe that any public official selected from my party could have discharged the duties of the office as Secretary of Labor in a more fitting, more industrious, and more intelligent manner than James J. Davis.

The administration of his department was a model and will forever remain a model for his successors in office, both in the efficiency and management of the tasks which were to be performed by him, as well as of any work which was to be done by his subordinates.

As I am saying these words, word comes to us that Mr. Davis will be continued in the new administration as Secretary of Labor. This is mighty good news for me and mighty good news for the public. Mr. Davis should be continued as long as he himself desires to conduct the great office to which he was first called by the late President Harding.

I only regret that we have far too few public officials of the type of Mr. Davis. Like Abou Ben Adhem, we can only wish that his "tribe may increase."

OREGON SECURES NOMINATION OF LINCOLN

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, the importance of preserving historical data relating to our country can not be appraised too highly. Especially is this true if the data concerned touches the lives of our outstanding statesmen and heroes or the history of political procedure. Under the privilege granted by the House to extend my remarks, I am therefore submitting the following from the pen of one of our distinguished citizens, Judge Austin Mires, of Ellensburg, Wash.:

JESSE APPLGATE, OF UMPQUA VALLEY, OREGON, AND THE PART HE PLAYED IN THE FIRST NOMINATION OF ABRAHAM LINCOLN—A BIT OF UNWRITTEN HISTORY

By Judge Austin Mires

The name Umpqua is applied to that section of southern Oregon lying between the Calipoola Mountains on the north and Cow Creek Mountain on the south, the Cascades on the east, and the Coast Range Mountains on the west, embracing all the territory drained by the Umpqua River and its numerous tributaries.

Well to the northern part of Umpqua Valley, surrounded by oak-clad hills, lies the beautiful valley of Yoncalla.

To this locality in the year 1849 came that chief of Oregon pioneers, Jesse Applegate, who settled on land as a homestead a short distance north of the present town of Yoncalla, which spot was thenceforth his permanent home.

In his early days Applegate had received important assistance from Edward Bates, of Missouri, whom he ever held in highest esteem. He named one of his boys Edward Bates Applegate, who when 14 years of age was capsized and drowned in the rapids of the Columbia River on the downward journey of a part of the Oregon emigration of 1843, and he kept up a regular correspondence with Mr. Bates from his Oregon home and after Bates became Attorney General in the Cabinet of Abraham Lincoln. Jesse Applegate is too well known and remembered by Oregonians as well as everyone who has any acquaintance with early Oregon history to require any effort to show his influence over affairs in this new land or to prove the integrity of his character or the fullness of his gratitude.

In the year 1860 Edward Bates was a prominent Republican and a candidate for the nomination for President of the United States. It is needless to say Jesse Applegate was an ardent supporter of the candidacy of his old Missouri benefactor.

Leander Holmes had been the nominee of the Republican Party of Oregon for secretary of state in 1858. At the Republican State con-

vention held April 21, 1859, he, along with Dr. W. Warren and A. G. Hovey, were chosen delegates to the Republican National Convention for 1860 and were instructed to use their influence for William H. Seward for nomination for President. It was claimed that these Seward resolutions were slipped over on the convention by B. J. Pengra, editor of the Peoples Press, of Eugene, Oreg., after the convention had made arrangements to adjourn and half the members had left, supposing there was nothing more to be done. At all events the Republican State convention, which met April 19, 1860, readopted the platform of the preceding convention with the omission of the Seward resolutions.

It is a well-known fact that Horace Greeley, through his paper, the New York Tribune, in the days of which we write, exercised a greater influence throughout the country north of the Mason and Dixon line than any other man or set of men. His paper found its way to almost every fireside, and with the great majority of the voting population, especially the farming element, it was the highest political authority.

Some years prior to 1859 Greeley had broken loose from W. H. Seward and Thurlow Weed, his erstwhile political colleagues, and was at this time opposed to Mr. Seward for the Presidency. On account of this opposition he was kept off the New York delegation to the Chicago convention, which delegation was sold for Seward.

Jesse Applegate and Leander Holmes were fast friends, and when it was discovered that Holmes could not attend the national convention Applegate persuaded him to send his proxy to Horace Greeley, whom he adored, with instructions to use it in the interest of Edward Bates.

It is said the New York delegation had no intention that Greeley was to have a voice in the convention until the roll call of States. When Oregon was reached in the call, Mr. Greeley stood up and responded as one of its delegates. At this turn of affairs consternation showed in the faces of the New Yorkers. They knew Greeley was in position to wage a fight against their candidate that had not been dreamed of, let alone counted on, and among them were heard some genuine swearing and strong epithets. They chaffed and bantered him, calling out, among other things: "When did you move?" "Go west—go west and stay there."

Greeley was given a place on the committee on platform and resolutions, and he wielded a greater influence in that convention than any other man.

On the first and second ballots the Oregon vote went to Edward Bates. As between Lincoln and Seward, the leading candidates, the vote stood: First ballot, Seward 173½, Lincoln 102; second ballot, Seward 184½, Lincoln 181. There were 465 votes in the convention, with 233 necessary for a choice. It is reported that "During the third ballot there was tolerable order until Oregon declared for Lincoln, rendering his nomination certain. At this point the enthusiasm became irrepressible; the wigwag was shaken with cheers from 23,000 Republicans." Truth to say, the Oregon vote did not render Lincoln's nomination absolutely certain, but it brought his vote up to 231½, within 1½ votes of nomination, and before the vote was announced other States changed to Lincoln, and no further ballot was taken.

Through the influence of Mr. Greeley the Oregon vote was first cast for Edward Bates and finally for Abraham Lincoln. It might be well to here state that Oregon had 6 votes in the Chicago convention. The State convention in 1859 had chosen the three already mentioned and had constituted a Republican central committee composed of Henry W. Corbett, afterwards United States Senator, W. Cary Johnson, and E. D. Shattuck. When it was discovered that Oregon had been assigned six delegates instead of three this central committee appointed three additional delegates in the persons of H. W. Corbett, Franklin Johnson, and Joel Burlingame, who resided at the time at the little town of Scio, in Linn County, Oreg. He was the father of Anson Burlingame, the distinguished Representative in Congress from Massachusetts in 1856.

It has all along been conceded that Horace Greeley brought about the first nomination of Abraham Lincoln. His nomination was rendered certain by the defeat of W. H. Seward. Mr. Seward himself, in his autobiography, lays his defeat to Greeley. But Mr. Greeley could never have achieved this had he not been a member of that memorable convention. His place in that convention was owing to no other than Jesse Applegate, who induced Leander Holmes to send him his proxy.

I know of but one man now living who knew how Horace Greeley happened to get a proxy from Oregon to the Chicago convention of May, 1860, and that man is Hon. Binger Hermann, of Roseburg, Oreg., who was 83 years old on the 19th day of February, 1926, and died April 15, 1926. He came to Oregon from Maryland in 1859 and in 1862 taught school in the Applegate district, which school was attended by several of Jesse Applegate's children, and he lived for some time in the Applegate home. He was assisted in numerous ways by Mr. Applegate in the days of his young manhood, and knew him intimately and loved him well. He was elected to Congress from the State of Oregon in

1884, and represented the State in that capacity, all together, 16 years, and was for 4 years Commissioner of the General Land Office. He has always taken a lively interest in the political affairs of his country and knows a wonderful lot of Oregon history.

Just a little way south of Drain, Oreg., the Pacific Highway passes through the old homestead of Jesse Applegate. Less than a quarter of a mile from where the old dwelling house of Mr. Applegate stood, up on the spur of the hill, is a little cemetery; and here the "Sage of Yoncalla" and his good wife, Cynthia, sleep side by side. The spot is marked by a humble sandstone slab or monument, 2½ feet by 20 inches by 6 inches in dimensions, facing north and south. The stone was fashioned by Mr. Applegate himself, assisted by his son, Peter Skeen Applegate, who did the gravings; and was placed there at the time of his wife's death some seven years before the death of Mr. Applegate. The south side, or face, now bears the following inscription: "Jesse Applegate Bn 7-31-1811 Dd 4-22-1888." The north face "Cynthia Applegate Bn 8-13-1813 Dd 6-1-1881."

This little monument is of soft substance and is fast crumbling away, and ere long there will remain nothing in the material world to show the stranger where rest entombed the ashes of the greatest of all Oregon pioneers, that stalwart Republican who, from these precincts, this part of old Umpqua in that elder day sent forth an influence that gave direction to the destiny of the American Republic.

ARMY PROMOTION

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of Army promotions.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, no Member of Congress will dispute the fact that present conditions affecting promotion and retirement in the Army are most unsatisfactory, breeding discontent that will inevitably impair the efficiency of our national defense.

Promotion is in a state of stagnation, due principally to the fact that there are about 5,000 officers of approximately the same age who started their commissioned service in the Army within a period of two years. Under existing laws, as interpreted, the promotion of this group of officers, comprising what is generally referred to as the "hump," as well as the promotion of the officers who come behind them, will be discouragingly slow and marked with inequities that would seem to demand immediate attention. When the senior officer in the "hump" is a colonel, it has been pointed out, the junior will be facing the dismal prospect of remaining a captain for a number of years.

Both in the Senate and in the House members of the Military Affairs Committee have given freely of time and effort to bring forth legislation designed to accelerate promotion, correct outstanding injustices, and provide for an orderly flow of advancement in the future. It is to be regretted that the apparent conference impasse, arising out of an honest divergence of opinion as to the best methods of solving this perplexing problem, brings despair to the officers of the Army and those who had hoped to see a solution, as fair and as complete as might humanly be expected, arrived at during this session.

Those who will give their further attention to this important matter will be interested in the final results of the survey conducted by the Army and Navy Journal. Efforts were made to contact every promotion-list officer, and the final tabulation gives the individual opinion of more than 60 per cent of the officers who will be affected by pending legislation.

Mr. Bertram Kalisch, managing editor of this service paper, has advised me that 6,000 officers returned cards setting out their views on basic promotion principles, and the response gives the ratio of practically 10 to 1 in favor of promotion based upon length of service, many indicating that the adoption of this basic principle in any legislation enacted would go far toward remedying the current stagnation.

There were 203 cards returned which are indicated as nontabular. Sixty-eight were from general officers, whose comments are worthy of note in view of the fact that these officers would not be affected by any clause except the removal of retirement restrictions. The remaining 135 nontabular replies were solely written expressions indicating that the officer was for or against certain pending bills or problems. Thirty-three were for revision, with no other comment; 75 were against revision. Ten expressed themselves as being in favor of the Black bill, 10 for the Reed bill, and 7 for the Furlow Air Corps bill. The general summary cards also contained comments on these measures, 99 indorsing the Reed measure and 48 favoring the Black-McSwain bill.

Final tabulation—Army and Navy Journal promotion survey

	Infantry	Cavalry	Field Artillery	Engineers	Air Corps	Chemical Warfare Service	Coast Artillery Corps	Quartermaster Corps	Signal Corps	Ordnance Department	Adjutant General's Department	Judge Advocate General's Department	Finance Department	Medical Corps	Retired ¹	Philippine Scouts	Total
Total cards.....	1,945	454	764	293	356	62	590	402	145	189	30	50	38	20	419	35	5,801
(a) Service in grade:																	
For.....	1,738	396	680	253	333	51	537	363	127	156	24	50	35	18	294	34	5,089
Against.....	185	47	74	32	12	5	43	32	13	28	6	6	1		94	1	579
Failed to indicate.....	22	11	10	8	11	6	10	7	5	5		3	2	2	31		133
(b) No restrictions in grades:																	
For.....	1,602	371	613	233	291	47	497	329	119	145	21	46	34	12	262	30	4,652
Against.....	293	66	123	47	40	9	71	63	16	38	9	8	3	5	118	5	914
Failed to indicate.....	50	17	28	13	25	6	22	10	10	6		5	1	3	39		235
(c) (1) Retirement of lieutenant colonels after 26 years:																	
For.....	1,697	363	649	242	294	52	520	361	120	155	28	47	33	13	244	31	4,849
Against.....	190	68	84	37	37	5	52	35	16	23	2	5	3	3	131	4	704
Failed to indicate.....	49	23	31	14	25	5	18	6	9	11		7	2	4	44		248
(2) Retirement on application—																	
For.....	1,830	408	724	271	316	56	536	380	136	179	28	51	31	14	297	32	5,289
Against.....	83	29	23	14	19	2	42	18	3	8	2	3	6	3	77	1	333
Failed to indicate.....	32	17	17	8	21	4	12	4	6	2		5	1	3	45	2	179
(3) Removal of restrictions on retired officers—																	
For.....	1,895	437	735	288	335	58	577	394	138	180	29	50	36	18	396	34	5,600
Against.....	26	7	13	2	14		6	2	1	6	1	3	2		12		95
Failed to indicate.....	24	10	16	3	7	4	7	6	6	3		6		2	11	1	106
(4) Enforced separations—																	
For.....	243	69	128	78	61	15	77	35	30	43	4	3	32	3	93	3	923
Against.....	1,665	361	617	202	258	46	497	363	108	142	26	50	5	13	264	30	4,647
Failed to indicate.....	37	24	21	13	36	1	16	4	7	4	6	6	1	4	57	2	233
(5) Voluntary separations—																	
For.....	1,857	416	717	274	319	55	567	386	132	176	29	54	5	15	344	33	5,379
Against.....	46	13	19	8	14	2	9	6	5	6	1		31	3	18	1	182
Failed to indicate.....	42	25	28	11	23	5	14	10	8	7		5	2	2	57	1	240
(d) A separate bill to secure passage of these principles:																	
For.....	1,700	377	638	240	304	47	521	352	121	153	25	49	37	16	319	27	4,926
Against.....	136	37	49	22	11	4	32	21	12	21	2	4		1	35	5	392
Failed to indicate.....	109	40	77	31	41	11	37	29	12	15	3	6	1	3	65	3	483

¹ Cards received from Medical Corps. No attempt was made to canvass this corps or the Chaplain Corps as their members are not on the promotion list.
² Total this table.

Recount by grade—Major generals

	Active (7 cards)		Retired (23 cards)	
	Yes	No	Yes	No
(A) Service in grade.....	5		12	9
(B) No restriction in grade.....	5	2	10	11
(C) (1) Retirement of lieutenant colonels after 26 years.....	4	3	12	8
(2) Retirement on application.....	7		13	8
(3) Removal of restrictions on retired officers.....	2		23	
(4) Enforced separations.....	7	5	9	14
(5) Voluntary separations.....	7		22	
(D) A separate bill to secure passage of these principles.....	6		18	2

Recount by grade—Brigadier generals

	Active (14 cards)		Retired (21 cards)	
	Yes	No	Yes	No
(A) Service in grade.....	10	2	14	5
(B) No restriction in grade.....	8	2	14	4
(C) (1) Retirement of lieutenant colonels after 26 years.....	6	7	12	8
(2) Retirement on application.....	12		14	5
(3) Removal of restrictions on retired officers.....	13		19	2
(4) Enforced separations.....	2	11	5	12
(5) Voluntary separations.....	13		16	1
(D) A separate bill to secure passage of these principles.....	10		16	2

LEAVE TO ADDRESS THE HOUSE

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to speak for 10 minutes to-morrow after the House convenes.

The SPEAKER. The lady from Massachusetts asks unanimous consent that after the reading of the Journal and the disposition of matters on the Speaker's table to-morrow, at the conclusion of the speech of the gentleman from Oklahoma [Mr. JOHNSON], she may address the House for 10 minutes. Is there objection?
 There was no objection.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C. title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division;

H. R. 12793. An act for the relief of Alonzo Durward Allen.

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium;

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, District of Columbia;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass, connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.; and

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921.

The SPEAKER also announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 675. An act to establish the Ouachita National Park in the State of Arkansas;

S. 1338. An act for the relief of James E. Jenkins;

S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended;

S. 2360. An act relating to the tribal and individual affairs of the Osage Indians in Oklahoma;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 4517. An act to authorize the appropriation of tribal funds of Indians residing in the Klamath Reservation, Oreg., to pay expenses of the general council and the business committee, and for other purposes;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 5221. An act for the relief of Cary Dawson;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co. at Denver, Colo.;

S. 5684. An act to amend the war finance corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes;

S. 5749. An act authorizing the presentation of the distinguished-flying cross to Capt. Benjamin Mendez;

S. 5766. An act for the relief of Andrew T. Bailey; and

S. 5776. An act for the relief of Wynona A. Dixon.

S. J. Res. 58. Joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell;

S. J. Res. 196. Authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of *Oklahoma v. Texas* (1926, 272 U. S. 21, p. 38) and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of *New Mexico v. Texas* (vol. 276, p. 557, U. S. Sup. Ct. Repts.), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries except the Gila River.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2474. An act for the relief of the San Francisco, Napa & Calistoga Railway;

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 5952. An act for the relief of Robert Michael White;

H. R. 9009. An act for the relief of Francis Leo Shea;

H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;

H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;

H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;

H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;

H. R. 12390. An act for the relief of Frank C. Messenger;

H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 12666. An act for the relief of William S. Shacklette;

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;

H. R. 13658. An act for the relief of Hugh Anthony McGuigan;

H. R. 13632. An act for the relief of Ruth B. Lincoln;

H. R. 13721. An act for the relief of Edwin I. Chatcuff;

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.;"

H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. 356);

H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 15330. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;

H. R. 15651. An act for the relief of Leonidas L. Cochran;

H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;

H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;

H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;

H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 16612. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.;

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928.

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and

other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.;

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York;

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America;

H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass, connecting Bainbridge Island with the mainland in Kitsat County, State of Washington;

H. R. 16565. An act authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.;

H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes; and

H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Friday, March 1, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Cape Fear River below Wilmington, N. C., and between Washington and Navassa (H. Doc. No. 615), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. J. Res. 117. A joint resolution authorizing an investigation and survey for a Nicaraguan canal; without amendment (Rept. No. 2774). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILBERT: Committee on the District of Columbia. H. R. 16723. A bill to amend the Code of Law for the District of Columbia, as amended; without amendment (Rept. No. 2776). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16981. A bill authorizing the city of Wheeling, W. Va., to construct, maintain, and operate a free highway bridge across the Ohio River at or near Wheeling, W. Va.; without amendment (Rept. No. 2777). Referred to the House Calendar.

Mr. KNOTSON: Committee on Pensions. H. R. 14807. A bill to apply the pension laws to the Coast Guard; without amendment (Rept. No. 2778). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. R. 16395. A bill to reduce rates on adjusted-compensation loans; with amendment (Rept. No. 2779). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 5512. An act to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia; without amendment (Rept. No. 2780). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHRISTOPHERSON: Committee on the Judiciary. S. 5717. An act for the relief of the State of Nevada; with amendment (Rept. No. 2781). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 13541. A bill to provide for the establishment of the Fort Boonesboro National Monument in the State of Kentucky, and for other purposes; with amendment (Rept. No. 2787). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Civil Service Commission (Rept. No. 2788). Ordered to be printed.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Post Office Department (Rept. No. 2789). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 16856. A bill extending benefits of the World War adjusted compensation act, as amended, to John J. Helms; with amendment (Rept. No. 2775). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAJOR of Missouri: A bill (H. R. 17307) to provide for the erection of a monument to commemorate the battle of Wilson Creek, Mo.; to the Committee on Military Affairs.

By Mr. HAWLEY: Joint resolution (H. J. Res. 432) to authorize the members of the Committee on Ways and Means of the House of Representatives to hold hearings after March 4, 1929; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CLAGUE: Memorial of the State of Minnesota Legislature and the Minnesota Farm Bureau Association, opposing a tariff on logs, lumber, and shingles; to the Committee on Ways and Means.

Also, memorial of the State Legislature of the State of Minnesota, memorializing Congress for an adequate agriculture tariff; to the Committee on Ways and Means.

Also, memorial of the State Legislature of the State of Minnesota, favoring the retention of flexible tariff; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EATON: A bill (H. R. 17308) granting an increase of pension to Louisa M. Crissey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17309) granting an increase of pension to Elizabeth Sterling; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 17310) for the relief of Edward Dietrich; to the Committee on World War Veterans' Legislation.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13552. By Mr. CULLEN: Petition of the Merchants and Manufacturers Association of Bush Terminal, Brooklyn, N. Y., urging Congress to favorably consider the tariff demands of the California Almond Growers Exchange; to the Committee on Ways and Means.

13553. By Mr. W. T. FITZGERALD: Petition of sundry citizens of Delphos, Allen County, Ohio, protesting against a tariff on hides; to the Committee on Ways and Means.

13554. By Mr. FORT: Petition of Calvary Baptist Church, East Orange, N. J., with a membership of 420, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13555. By Mr. GARBER: Petition of the Independent Oil Association of Oklahoma, urging the enactment of legislation imposing a protective tariff of not less than \$1 per barrel on

crude oil imported into this country; to the Committee on Ways and Means.

13556. Also, petition of the Merchants' Association of New York, in opposition to any restriction or limitation to the free movement of products between continental United States and its Philippine possessions in either direction; to the Committee on Ways and Means.

13557. Also, petition of the American Institute of Architects, indorsing House bill 15524 and Senate bill 5876; to the Committee on the District of Columbia.

13558. By Mr. GRAHAM: Petition signed by several prominent Scandinavian-Americans and others in Philadelphia, for the repeal of the national origins provision of the immigration act of 1924; to the Committee on Immigration and Naturalization.

13559. By Mr. GOLDSBOROUGH: Petition of residents and voters of Talbot County, Md., for legislation to provide for the digging out of Knapps Narrows, located at the north end of Tilghmans Island, between Tilghmans Island and the mainland; to the Committee on Rivers and Harbors.

13560. By Mr. LAMPERT: Petition of residents of Malone and Fond du Lac Counties, Wis., requesting increase in tariff on foreign sugar; to the Committee on Ways and Means.

13561. Also, petition of residents of Campbellsport, Wis., requesting increase in tariff on foreign sugar; to the Committee on Ways and Means.

13562. By Mr. McCORMACK: Petition of Louise A. Carven, 34 Centre Street, Dorchester, Mass., also Elizabeth F. Brosnahan, 23 Westcott Street, Dorchester, Mass., protesting against enactment of the Newton maternity bill and the equal-rights amendment; to the Committee on Interstate and Foreign Commerce.

13563. By Mr. MEAD: Petition of Eden Grange, No. 1199, urging a higher tariff on dairy and farm products; to the Committee on Ways and Means.

13564. Also, petition of Wyandale Grange, No. 1369, urging a higher tariff on dairy and farm products; to the Committee on Ways and Means.

13565. Also, petition of retail shoe dealers of Buffalo, N. Y., with customers, opposed to any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13566. By Mr. MORGAN: Petition of 38 members of Presbyterian Church, Utica, Ohio; to the Committee on the District of Columbia.

13567. By Mr. SELVIG: Petition of four residents of Becker County and two residents of Clay County, ninth district, Minn., urging the enactment of House bill 10953; to the Committee on Agriculture.

SENATE

FRIDAY, March 1, 1929

(Legislative day of Monday, February 25, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. JONES. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Simmons
Barkley	Fess	McKellar	Smith
Bayard	Fletcher	McMaster	Smoot
Bingham	Frazier	McNary	Steak
Black	George	Mayfield	Stelwer
Blaine	Gerry	Metcalf	Stephens
Blease	Glass	Moses	Swanson
Borah	Glenn	Neely	Thomas, Idaho
Bratton	Goff	Norbeck	Thomas, Okla.
Brookhart	Gould	Norris	Trammell
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Burton	Harris	Pine	Vandenberg
Capper	Harrison	Ramsdell	Wagner
Caraway	Hastings	Reed, Mo.	Walsh, Mass.
Copeland	Hawes	Reed, Pa.	Walsh, Mont.
Couzens	Hayden	Robinson, Ark.	Warren
Curtis	Heflin	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Schall	Wheeler
Dill	Kendrick	Sheppard	
Edge	Keys	Shortridge	

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is unavoidably absent from the Senate. I ask that this announcement may stand for the day.

Mr. NYE. I wish to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent on account of illness. This announcement I ask to stand for the day.

Mr. BRATTON. Allow me to announce that my colleague [Mr. LARRAZOLO] is necessarily absent on account of illness. This announcement may stand for the day.

Mr. WATERMAN. I desire to announce the absence of my colleague the senior Senator from Colorado [Mr. PHIPPS] because of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

SALARY ADJUSTMENT FOR CONGRESSIONAL OFFICERS AND EMPLOYEES

The VICE PRESIDENT. In pursuance of a provision of the act (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, the Chair appoints as members on behalf of the Senate of the joint committee to investigate and report on adjustments in salaries of officers and employees of the Senate and House of Representatives, and other offices, the Senator from Wyoming [Mr. WARREN], the Senator from Indiana [Mr. WATSON], and the Senator from Arkansas [Mr. ROBINSON].

OBSERVANCE OF HISTORICAL EVENTS AT NEW BERN, N. C.

The VICE PRESIDENT. Pursuant to House Concurrent Resolution 60, authorizing the appointment of a committee to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events at New Bern, N. C., the Chair appoints on behalf of the Senate the Senator from North Carolina [Mr. SIMMONS], the Senator from Ohio [Mr. FESS], and the Senator from Virginia [Mr. SWANSON].

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting, pursuant to law, a copy of the annual report of the Federal Reserve Board covering operations during the year 1928, which was referred to the Committee on Banking and Currency.

FEDERAL LAND BANK SYSTEM

Mr. BLEASE. Mr. President, I send to the desk a short article from the Charleston (S. C.) News and Courier, which I ask to have printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the article was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

[From the News and Courier, Charleston, S. C., Thursday morning, February 28, 1929]

HOLDS COMPANY NOT RESPONSIBLE—JUDGE RULES FOR PLAINTIFF IN OFFSHOOT OF BEAUFORT BANK FAILURE

Another echo from the Beaufort bank failure was heard in eastern district United States court yesterday, when Judge Ernest F. Cochran held in an opinion that the Truckers' Supply Co., which went under with the bank, is not liable for notes which it indorsed. The notes were made worthless by the subsequent failure of the Beaufort bank.

The company was not authorized to indorse the notes, the court holds, and therefore the doctrine of ultra vires (beyond its power) holds good to nullify their validity. The case is brought by William J. Thomas, trustee in bankruptcy for the Truckers' Supply Co., against the Federal intermediate credit bank, which sought to collect on the notes and the mortgage which the company gave as security.

According to the Federal intermediate credit bank, the Truckers' Supply Co. reaped benefits from indorsing the notes of farmers, because the farmers would then buy supplies from the company. The court sustained the report of the special master, however, who held that there was no way of showing such benefits, and that, even so, the company's charter did not give the power to indorse such notes.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Foreign Relations:

STATE OF WISCONSIN.

Senate Joint Resolution 11, relating to the Great Lakes-St. Lawrence waterway

Whereas the people of this State, regardless of their differences of opinion upon other questions, are unanimous in regarding the Great Lakes-St. Lawrence waterway as the greatest possible boon not only to this State and the Northwest but to the entire country as well; and

Whereas conditions appear now to be favorable to the conclusion of a treaty with Canada and the enactment of the necessary legislation to make this project a reality: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature hereby again expresses the great interest of the people of the